SHRI V. NARAYANASAMY: Sir, I will just ask a question. One point.

THE VICE-CHAIRMAN (SHRI H. HANUMANTHAPPA): It has been answered; you were not here.

The House stands adjourned till 2.30 P.M.

The House then adjourned for lunch at thirty-six minutes past one of the clock.

The House reassembled after lunch at thirty-one minutes past two of the clock. **The Deputy Chairman** in the Chair.

MOTION FOR APPOINTMENT OF A JOINT COMMITTEE OF BOTH HOUSES TO ENQUIRE INTO THE ISSUES ARISING FROM THE REPORT OF THE SWEDISH NATIONAL AUDIT BUREAU TO THE BOFORS CONTRACT TO SUPPLY 155 MM HOWITZER GUNS TO INDIA—Contd.

THE DEPUTY CHAIRMAN: We shall continue with further discussion on this Motion. We have a very short time at our disposal. Two Members from the Opposition will now speak.

SHRI ATAL BIHARI VAJPAYEE (Madhya Pradesh): We have the whole day.

THE DEPUTY CHAIRMAN: No. Mr. Chitta Basu. You can speak for about six or seven minutes. Then, I will ask Mr. Nagen Saikia to speak.

SHRI CHITTA BASU (West Bengal): Madam, I rise to oppose the Motion. At the outset, I want to make it clear that the Joint Parliamentary Committee with the terms of reference as incorporated in the Motion is an exercise in self-deception. It is also a part of the cover-up operation for the corruption in high places.

Before proceeding to other matters, I would like to reply to some of the criticisms made by Members opposite. The treasury benches have accused us that we, in the Opposition, have politicised the issue. Madam, my humble submission to them, through you, is that it is not correct. On the contrary, it is the Government which has politicised the issue and out of proportion. The House should be reminded that the exposure was made on the 16th April by the Swedish Radio. On the 17th April, the Council of Ministers denied it. In a Resolution adopted by the Council of Ministers, they gave a political twist to the problem. It declared, the Resolution declared, that this was yet another example of how the foreign hands were working for he destabilisation of our political system. The Government did not take it as a matter of corruption in administration. But they politicised it as if this is part of the greater destabilisation conspiracy. On the 18th April, the Congress Working Committee passed a Resolution calling upon the people to fight this destabilisation conspiracy. We are now amused to see or hear the concert music. Everybody from that side is taking part as if in a concert music. Madam, my allegation is that it is they who have politicised the issue in order to cover up the truth relating to the exposure. Madam, the Treasury Bench Members have also cricised us for giving a call for fresh mandate. I declare that the Prime Minister and the Congress Government have failed to implement the mandate it received in 1984. They have not only failed, but proceeded along the path which is in the reverse direction and during the last 2½ years it has been proved that the Prime Minister and his Government is not capable of implementing the mandate it received in 1984. Now a question has been raised, why the opposition is giving a call for fresh poll when the term of the Lok Sabha is not over. May I remind the Members on the other side, was it not Mrs. Indira Gandhi,

when she was the Congress President, who gave an open call to dislodge the Kerala Government headed by Mr. M. S. Namboodripad who enjoyed the majority in the House? Now your claim for having a majority in the House has lost all the relevance with the reality outside and the country is passing through a grave political crisis. In order to resolve that great and grave political crisis the only democratic way open to you is to have a fresh verdict, to give a chance to the people for a fresh verdict. So, Madam, I think the Members sitting opposite should have a fresh thought about it. (*Time Bell rings*). Madam, I must have my say. Your credibility has nosedived to an inconceivable extent. It is almost zero. With the zero credibility outside, you have no moral and political right to stick to power. Therefore, the opposition has rightly given a call for a fresh poll.

Now I will refer to the question of cover up. I will only mention two statements made in this House, one by Shri Arun Singh on April 21, when he was the Minister and another by the Prime Minister himself. Shri Arun Singh said, I quote:

> "As a Government we have received a commitment from the Company and from Swedish Government that nothing has been obtained."

The Prime Minister is on record to its effort to unearth the truth.

> "Sweden has confirmed that there was no middleman and no money was paid to the Swiss Bank."

Madam, the Swiss Bank's audit report has proved that there was payment and there was a kickback, and nobody can deny it now.

Coming to the terms of reference, some important Members from that side have said....

THE DEPUTY CHAIRMAN: Please wind up now.

SHRI CHITTA BASU: Let me have my say.

THE DEPUTY CHAIRMAN: There will be reply at 3.00 p.m.

SHRI CHITTA BASU: I am not responsible for that. You have allowed somebody to read out the whole speech written for him by the AICC office.

THE DEPUTY CHAIRMAN: You should confine to the time which is allotted to your party.

SHRI CHITTA BASU: I will have my say. Please do not disturb.

Many Members from that side have said that enough concessions have been given to the opposition. This is not correct. I want to set the record straight. All of us, all the opposition parties' representatives have written to you and also made it known to the Government that you have failed to include the following powers in the Committee: (1) to examine the Government's policy and decisions in relation to purchase and procurement of defence equipment, stores and ancillaries since January 1980; You have not conceded that. We want the powers to enquire into the German submarine deal. You have rejected it. We want the power to summon Ministers for evidence. You have rejected it We want the power to hear evidence from foreign nationals, either in India or abroad. You have rejected it. And on the top of it, you have decided to vest the hon. Speaker with the extraordinary power to negate the collective wisdom of the Committee. Therefore, Madam, there is no concession given, but something more you want to impose upon the Committee — you

[Shri Chitta Basu]

want to restrict the Committee in its effort to unearth the truth.

THE DEPUTY CHAIRMAN: That is all. Your papers do not want that you should continue.

SHRI CHITTA BASU: No, Madam, I told you that I must have my say. Madam, the deleted portions of the report of the National Audit Bureau provide the truth; these hold the key to the whole mystery. In this connection, I want to quote the Foreign Trade Minister of Sweden, Mrs. Anita Gradin, who is reported to have said:

> "Most of the questioning centred on the deleted passages from pages 3 and 4 of the report."

She explained that those passages related to information gathered from the Swedish National Bank and thus were covered by Sweden's bank secrecy laws. My question is, what the Government has done to get that information from the Swiss bank and the Government of Sweden? There is a report in today's Hindu that "a spokesman of the Swiss Department of Justice and Police said: There is no need for any treaty; all that India has to do is to ask for help and we will examine the nature of the demand". The Government has not taken any step in that direction. As for the specifics, the said spokesman is on record to say: "We have not received anything till now". That means the Government of India has not made any attempt to get the information from the Government of Sweden.

THE DEPUTY CHAIRMAN: That is all, please.

SHRI CHITTA BASU: Let me leave it there. Therefore the main source is that the Government itself can find out the truth about it. They have not mentioned anything about that. There are three sources which can provide us information. One is the Bofors Company; the second is the Swedish Government...

THE DEPUTY CHAIRMAN: You have already exceeded the time given to you. Thank you.

SHRI CHITTA BASU: The third is the Swedish Bank. I want to know what steps the Government have taken so far to get the information from these sources because they happen to be the three sources of information And can the hon. Minister explain how this Committee can get this information from those agencies with the existing terms of reference. Therefore it is nothing but a cover-up operation.

THE DEPUTY CHAIRMAN: All right.

SHRI CHITTA BASU: All right? So you agree that it is a cover-up operation.

THE DEPUTY CHAIRMAN: I said, all right, you stop now.

SHRI CHITTA BASU: You are not a party?

THE DEPUTY CHAIRMAN: I said you stop now.

SHRI CHITTA BASU: I thought you made a comment that there is a cover-up operation from that side.

THE DEPUTY CHAIRMAN: Not at all.

SHRI CHITTA BASU: Not at all? Then I continue. My last point, Madam. This is really my last point. This Government has not made a single point contract. It is a multi-point contract. I need not explain it. With the existing terms of reference, the Committee cannot have any jurisdiction to examine the details of that multi-point contract which can suppress information and this will not lead to unearthing of the truth. With this observation I again say that this motion is not to be accepted by this House.

THE DEPUTY CHAIRMAN: Shri S. P. Malaviya .... Absent. Shri Nagen Saikia.

SHRI NAGEN SAIKIA (Assam): Madam Deputy Chairman, I think you at the very outset for giving me this opportuntiy to speak a few words, but at the same time let me express my unhappiness at bringing my name to the bottom of the list, because yesterday it was shown to me that my name was just after Mr. Gopalasamy's name. We, the people of Assam, are always facing discrimination of the Central Government. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: No, not at all. That is not true.

SHRI NAGEN SAIKIA: Madam, I have listened to many speakers with rapt attention. My hats off to Mr. Jaswant Singh and Mr. Chaturanan Mishra for their very illuminating speeches. They have spoken in their own styles very convincingly and proved the whole motion to be a barren one.

Madam, I too am rising to oppose the motion, the reason being that the motion, as placed before the House, would not serve the actual purpose for which it is meant. Of course, it may serve the purpose of the Government to make the issue a dead one and to make the people forget about it gradually.

Some of the honourable Members have supported the motion and they were very vocal about the sincerety of the Prime Minister in constituting this Committee. I too believed once, at least two years back when the Assam accord was signed, that he was a sincere person and he means what he says.

SHRI CHITTA BASU: Therefore, now you also understand ... (*Interruptions*)...

SHRI NAGEN SAIKIA: But the days, weeks and months have proved that he is a man not to build or rebuild something substantial but a man to whitewash the patches of erosion. He has made himself an Accord Master to sign accord after accord but not implement them. Anyway, my belief in his sincerety has been eroded and so I could not appreciate the words of admiration that honourable Members there poured out very enthusiastically yesterday... (*Interruptions*)...

Bofors deal is not an ordinary issue of corruption of an individual or individuals; but an issue of national prestige for each and every Indian. That we are a corrupt nation is gaining world publicity because of the misdeeds of a few. The Swedish Audit Bureau's report has exposed the cancerous growth of corruption in our country. When the Swedish Radio broadcast the story of Bofors kickbacks, the Prime Minister chose to state that there was no middleman and there were no kickbacks as such. But the entire Opposition became very much concerned about it and demanded a Parliamentary Committee to probe the whole affair. But at that time the Government refused to do so. Rather, the Prime Minister tried to establish falsehood of the whole matter. Now, after the receipt of the Audit Bureau's report, there was no way out for the Government but to say, "Yes, there is a prima facie case". Now the Government is showing much concern to constitute a Joint Committee in accordance with its own design. I want to ask: If the Government is very much sincere to find out the truth, then, what prevents the Government to accept the terms of reference proposed by the Opposition? I want to know. Why can't the Committee, as a special committee, be empowered to summon a Minister without the permission of the honourable Speaker? Moreover, there is every chance that the Official Secrets Act will put hurdles in the way. Will the Government ensure that the Official Secrets Act will not put any

[Shri Nagen Saikia]

hurdles in the way? Moreover, will the Government ensure that the Ministers will not take shelter under the oath of secrecy? Moreover, we want to know also whether the submarine deal affair will also be included. Why can the Chairman not be elected from among the Members of the Opposition parties? These are some questions to be answered first.

The hon. Members on the Treasury Benches said on that day that cutting across party lines always Parliamentary committees discharged their duties. If it is true, then, why should the Government be afraid of having an Opposition Member as Chairman? To create confidence among the minds of the people, to give our army morale booster, to brighten the face of this country in the world, I ask the Government to come forward with an open mind to accept the terms of reference proposed by the Opposition and thereby take proper steps to find out the truth. Oherwise, the committee as proposed by the Government would be an eyewash and would be of no use to the country. The people are not ready to accept it as it is. If the Government is not prepared to constitute a committee as proposed by the Opposition, it should stop its endeavour to go ahead. Rather the Government should seek a fresh mandate from the people to be in power.

With these words, I oppose the Motion.

THE DEPUTY CHAIRMAN: Thank you. Shri Baharul Islam.

SHRI BAHARUL ISLAM (Assam): Madam Deputy Chairman, to my mind, much of the debate particularly from the side of the Members of the Opposition, took place on a wrong conception or a wrong reading of the Audit Report. Abuses were hurled on the Prime Minister, and some of the Members went so far as to say that the Prime Minister said untruths and deliberately misled the House. Referring to the Prime Minister's statement on 28th of April 1987 in Rajya Sabha and his talk with the Prime Minister of Sweden, these expressions were used — "untruths" and "deliberately misleading the House", by Shri Upendra.

Now, let us see what the Report says. The Swedish National Audit Bureau Report says this. What I am going to say is that what the Prime Minister said is absolute truth, no untruth, no misleading, and I am supporting this contention by quoting from the Audit Report:

> "The statement made by A.B. Bofors that there was no middleman/representative/agent used by Bofors to represent the company with the Indian authorities to win the contract in 1986, was correct."

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Who said that?

SHRI BAHARUL ISLAM: Bofors.

SHRI PARVATHANENI UPENDRA: No.

SHRI BAHARUL ISLAM: I am quoting from the Audit Report.

SHRI PARVATHANENI UPENDRA: It is Bofors' letter.

SHRI BAHARUL ISLAM: Bofors has quoted the Audit Report quotation. It is with me. Mr. Upendra, you cannot challenge. You are right it is a letter. But in that letter that quotation has been given from the Audit Report. Please listen. (*Interruptions*).

SHRI DIPEN GHOSH (West Bengal): It is an extract of the Bofors' letter.

SHRI BAHARUL ISLAM: If you are confident, you won't be upset. If you think, you are going to lose your case, then, you will be upset. Listen to me.

SHRI DIPEN GHOSH: The question is this. What you wanted to say is not the Audit Report. The Audit Report contains, *inter alia*, an extract of the letter from Bofors which you read.

SHRI BAHARUL ISLAM: That is right, correct. This is the thing.

SHRI PARVATHANENI UPENDRA: May I read it for your benefit?

SHRI BAHARUL ISLAM: I have a copy with me.

SHRI PARVATHANENI UPENDRA: You say that is the Audit Report.

SHRI BAHARUL ISLAM: It is with me.

SHRI DIPEN GHOSH: Incorrect statement should no go on record.

SHRI BAHARUL ISLAM: Yes. Listen.

SHRI DIPEN GHOSH: The Audit Report mentions the letter of April 24 from the Bofors to the Indian Government. That is it.

SHRI BAHARUL ISLAM: Please listen. The quotation continues:

> "The contract negotiations and other contracts took place directly between the Ministry of Defence and Bofors. Consequently, no middleman was used to win the contract of 1986."

SHRI DIPEN GHOSH: That was the statement of Bofors.

SHRI BAHARUL ISLAM: I give another quotation.

> "A supply contract was signed on 24th March, 1986. In this contract which was signed by A.B. Bofors and the President of India, Ministry of Defence, there is no mention of commission."

What the hon. Prime Minister said here in this House? I was present and you were also present. We know what he said. He said that there was no question of middlemen. We did not engage any middleman. I had a talk with Olof Palme. He also assured me 'no middleman'. So, the question was whether there are any stipulations in the agreement for the payment of any commission or whether any commission was paid. He has been fully corraborated by this report. The Prime Minister said exactly the same thing.

Now, you are saying that he has said untruth and has misled the House. This is absolutely wrong and is very unfair.

Certainly I agree with you that your anxiety is to see a clean public life in India. We are equally anxious, if not more anxious. We, the people of the Congress, the Congress Government and the Prime Minister are equally anxious to see that there is a clean public life in India. For this purpose the corrupt people, the blackmarketeers, the hoarders and the exploiters will have to be removed. Unless we remove these people you cannot have a clean public life in India or anywhere else in the world. (*Interruptions*)

THE DEPUTY CHAIRMAN: No interruptions please. Let him complete.

SHRI BAHARUL ISLAM: Now, so far as this objective is concerned, this is common between you and myself.

THE DEPUTY CHAIRMAN: Mr. Islam, you please address the Chair.

SHRI BAHARUL ISLAM: You said that something was omitted. In order to be fair to the Opposition, I must also read the other portion. I quote again:

> "An agreement exists between A.B. Bofors and... (this is delet-

[Shri Baharul Islam]

ed)... concerning the settlement of commission subsequently to the deals so and so."

"Subsequently." I quote again:

"Considerable amounts have been paid subsequently to, among others, A.B. Bofors previous agent in India."

This is the subject matter of this proposed Joint Committee. This the Joint Committee is expected to enquire this. Therefore, these two things can be reconciled.

The statement of the Prime Minister in this House is absolutely true and correct and in the omitted portion, the word used is 'subsequently'. That is to say there was other direction that the stipulation was like this, kindly stick to the old stipulation.

Then they were winding up and a fresh agreement took place between Bofors and I think unknown persons and huge payments were made. Now, this Committee will see who is the other person, who made the second agreement with Bofors. This is number one. Who were the persons to whom these payments were made and what was the nature of these payments? Whether these payments were in the nature of commission, whether these payments were in the nature of kickbacks or whether these payments were by way of fees or charges for consultancy services, we do not know. This Committee will have to find out. Therefore, there is no contradiction between these things.

Now, I still hope that my hon. friends' anxiety is to see a clean life. The question now is whether this committee serves the purpose. If I can remove your objections—and I hope to do so—then possibly you will have no grouse at all to come forward and join the Committee.

3.00 P.M.

Now, your objection is on the question about the Committee's power to summon any Minister, including the PM. This is a very legal and constitutional matter. Somebody was even jeering and saying: well, it should be the duty of any Minister to come forward and give evidence on his own. Even the Prime Minister should come forward and depose before the Commission on his own. Can he? If the Prime Minister wants to depose on his own, can he? If any Minister wants to come and depose before the Commission can he do so? That is a question of joint responsibility when a particular decision is taken by the Cabinet. It arises out of the joint responsibility.

SHRI DIPEN GHOSH: You ask the Minister. It is the Minister's statement.

THE DEPUTY CHAIRMAN: Please don't interrupt.

SHRI BAHARUL ISLAM: This is purely a legal matter.

SHRI DIPEN GHOSH: It was the Minister's statement.

THE DEPUTY CHAIRMAN: These are his views.

SHRI BAHARUL ISLAM: This is purely a legal matter which I am trying to explain to my friends, to everybody in my humble way. In my respectful submission, no Minister, not even the Prime Minister can depose on his own in a matter relating to the State. For example, in the election case, if there is an election case between a Minister and his opponent, certainly the Minister can go on his own and depose. He will depose the facts known ot him. He will not depose before the Commission thinks which are subject matter of the State. The second difficulty is if a Minister on his own wants to go and depose before a Commission

then this question shall come. He has taken on oath of secrecy under the Schedule III, No. 2 of the Constitution of India. (*Interruptions*) Yes, this is a Parliament, I am very conscious about it.

THE DEPUTY CHAIRMAN: No cross talking.

SHRI BAHARUL ISLAM: Even a Parliamentary Committee will have to follow certain norms. This Committee, as I see, will be a quasi-judicial body unlike the P.A.C. or any other Parliamentary Committee. This will be a quasi-judicial body because if it found that kickbacks were paid that becomes a criminal responsibility. Therefore, in normal rules of justice, equality and justice and fair play will have to take place. Supposing the Committee wants to summon the Prime Minister or any other Minister then somebody will have to give a decision. Who is that somebody? Now they are asking why don't you appoint a Member of the Opposition as the Chairman. The terms of reference have not said that the Speaker will apopint a Member of the Congress or will not appoint a Member of the Opposition as the Chairman of the Committee. Why do you anticipate that the Speaker is not going to appoint a Member of the Opposition? What I believe is certainly the Speaker will find out a suitable person who will be able to manage, who will be able to conduct the business of this Committee then he will be appointed as the Chairman. But now by your talks, by your arguments all of you have lost your right, your credibility to be the Members. (*Interruptions*) I will give you the reasons. As I stated earlier, this Committee will be a quasi-judicial body. No accuser, nor even the accused can become a Judge in his own case... (*Interruptions*). Therefore, very rightly in the terms of reference it has been said that if a disputed question comes, the Speaker will have to take a decision because he does not belong to the party of the accuser or the party of the accused. So he will take a decision whether a certain Minister or the Prime Minister will be allowed to depose and also to see whether his evidence will be relevant and admissible—whether his evidence or a protected document is not barred by the Official Secrets Act or the Evidence Act because they may be protected documents, privileged documents. Simply because this is a Parliamentary Committee you cannot say good-bye to the Constitution and other laws. You will have to obey them. Therefore, the Speaker will ask on what point do you summon a witness. You will have to satisfy him. He will ask the witness on what points are you going to depose? So you will have to satisfy him. Then what kind of document are you going to produce before the Committee? He will have to be satisfied. Now, if he finds that this evidence is barred under any of the laws or the Constitution, if these documents are protected, then he will say no. If there is no bar, then he will certainly say, you go and depose.

(*Interruptions*)

SHRI PARVATHANENI UPENDRA: All precautions will have to be taken

SHRI BAHARUL ISLAM: This will be the constitutional position. Therefore, what I am saying.... (*Interruption*).

SHRI NIRMAL CHATTERJEE (West Bengal): Instead of appointing the Joint Committee, leave every thing in the hands of the Speaker .... (*Interruption*).

THE DEPUTY CHAIRMAN: No interruption, please.

SHRI BAHARUL ISLAM: Immediately before me, Dr. Nagen Saikia and Mr. Chitta Basu were saying that also the German deal should be included in the terms of reference. There is a great deal of difference between the German deal and Bofors. So far as Bofors deal is concerned, there is a prima facie case namely this audit report but so far as German deal is concerned, this is a mere allegation. You argued yesterday basing your case entirely on allegations as if allegations themselves were established facts. They are not. Simiarly, so far as German deal is concerned, there are allegations only and not a prima facie case. Therefore, there is nothing to inquire about. Therefore, very rightly, in the terms of reference, the German deal was excluded.

Now, regarding the 'inefficient Government' and the resignation of the Prime Minister because it was the unanimous demand of the speakers of the Opposition side that the Prime Minister must resign and take a fresh mandate, of course, if you want chaos, that is possible. But if you want order, that is not possible because it is the constitutional law and practice that the leader of the largest party in Parliament will be sworn as the Prime Minister of the country. Undoubtedly, Congress(I) is the largest party in the Parliament and Mr. Rajiv Gandhi is its leader. If he leaves the country, there will be chaos. Supposing, Mr. Rajiv Gandhi resigns today, Congress (I) party has the right to say: Sir, we are not going to spare you because if you leave us, then the Congress perishes. If Congress perishes .... (*Interruptions*) Just listen. One sentence more. Don't lose your patience.

THE DEPUTY CHAIRMAN: It is his personal opinion. Let him express.

SHRI BAHARUL ISLAM: If the Congress perishes, the country perishes because there will be chaos in the country. So far as the Opposition parties are concerned, there is none from them to lead the country. We are the largest party and we want Mr. Rajiv Gandhi to lead us, to lead the country but in his absence, there will be chaos. Can Mr. Dipin Ghosh combine with Mr. Atal Bihari Vajpayee If Mr. Vajpayee is proposed to be the Prime Minister, will Mr. Dipin Ghosh agree? (*Interruptions*).

SHRI DIPEN GHOSH: Let your Prime Minister resign, we will decide amongst ourselves.

THE MINISTER OF DEFENCE (SHRI K. C. PANT): You cannot make even a hypothetical yes. Why not?

SHRI BAHARUL ISLAM: If Mr. Dipin Ghosh is proposed to be the Prime Minister, will Mr. Vajpayee agree? No. Therefore, after resignation of Shri Rajiv what will come to India is chaos.

(*Interruptions*)

If Mr. Rajiv Gandhi leaves, the Congress Party will perish.

SOME HON. MEMBER: That is Umashankar Dikshit's plea that if the Congress perishes, the country perishes.

SHRI BAHARUL ISLAM: No. Certainly you cannot combine. During the last forty years you could not do so. During the Janata regime you could not do so and opposition parties are multiplying in geometric progression and the leader of every opposition party wants himself to be the Prime Minister of the country. Therefore, we want Shri Rajiv Gandhi to lead us, to give a stable Government to this country. He is leading the country and he is leading the country from progress to progress. Take for example, the

Sri Lanka Accord. It is a marvel in history. He had the guts to do it. Luckily, I had the experience, the opportunity, of serving this House for several years. I have seen five Prime Ministers. Jawaharlal Nehru, Lal Bahadur Shastri, Indira Gandhi and the present Prime Minister. The present Prime Minister is second to none.

SHRI DIPEN GHOSH: Very good. Very good. (*Interruptions*)

SHRI BAHARUL ISLAM. He is the Prime Minister from the very first two years, till you got the allegations—Bofors, the radio news from Sweden—every one had acclaimed him. even today he is acclaimed, that he was absolutely a clean man. (*Interruptions*) Therefore, he became the object of jealousy. This country became the object of jealousy of the opposition parties as well as many foreign countries. Therefore, they thought, "Unless and until we tarnish the image of this man, we cannot do mischief to the Congress and the stable Congress-I Government of India remains." This is the basic point. Therefore, the best effort of people who are hostile to India to see that Shri Rajiv Gandhi is removed so that there may be chaos. (*Interruptions*)

SHRI PARVATHANENI UPENDRA: They are still in your party. (*Interruptions*)

SHRI BAHARUL ISLAM: Suppose, at your sweet desire Shri Rajiv Gandhi is now going to resign; he wants to resign. His party is not going to spare him. We want his services, Mr. Jaswant Singh—he is my friend and I know him very well said it is a tragedy and in the history of the last forty years no Prime Minister has come to say, "I am not guilty in this matter". While you are saying that the Prime Minister is trapped in the Bofors deal, he comes out, he is a courageous man, to tell you that neither he nor any of his family members received any consideration in the Bofors deal. The next question you put is, "What about your relatives?" Do you have full control on your grown-up children?

SHRI PARVATHANENI UPENDRA: That argument, I agree with. (*Interruptions*)

SHRI BAHARUL ISLAM: Do you have control over your relatives?

AN HON. MEMBER: NTR son-in-law

SHRI BAHARUL ISLAM: I am not expecting that you should have control. Every grown-up man has his own will. I will give you one example. There was a Chief Minister in Assam, absolutely uncorrupt. He had a relative. He went to business people, Government officers and other relatives of the Chief Minister and made big business, big money. But the Chief Minister himself was absolutely innocent Shri Rajiv Gandhi is very fair. (*Interruptions*)

SHRI DIPEN GHOSH: Then you agree that relatives of Rajiv Gandhi have taken big.... (*Interruptions*).

SHRI BAHARUL ISLAM: Rajiv Gandhi is saying, whoever he may be, howsoever high he may be, whatever may be his status, if anybody is found guilty, appropriate action in accordance with law will be taken against him. That means, even if some of his relatives are implicated, certainly he promises he will take action against them. What more do you want? He has told you so times without number. He has said, I am innocent; if any of my relatives or anybody else, however high he may be, is found guilty, suitable action will be taken. What more do you want? Therefore, what I want to say to my friends is this. I know my friends are very honest; I know my friends. I have not suggested nor is it my intention to do so, that you are going to do some mischief to the country. You may

[Shri Baharul Islam]

be very good people; your intentions may not be to destabilise the country. But if your actions do, then you will be responsible. Now what I am submitting to you is this. (*Time-bell rings*) I am making an appeal to you to come forward, participate, so as to remove corruption from the country. Please come forward, participate and follow the principles of law and natural justice and fair-play, inquire into the matter, find out the persons guilty. Somebody was bemoaning yesterday that Rs. 2 lakhs per month is being paid for winding up charges. My heart is pained when I heard it. Whose money is that? We do not know. Is it our money or is it Bofors' money? If it is Bofors' money, we are not interested. If it is our money, we have many things to say. Therefore, the duty of this committee will be to see whether any commission agent was appointed; if so, whether any commission was given; whether any kickbacks, if at all, were paid; if so, to whom? If any service charges, etc. were paid; if so, whether they were in consonance with the terms of the agreement or in violation of the agreement; if any charges were paid, what the amounts are, etc. All these things will have to be found out. Then, after finding out these things, certainly you go and take actioon. Therefore, my humble request to you is, please come forward and participate in this body and do good service to this country so that corruption may disappear from our country.

SHRI M. S. GURUPADASWAMY (Karnataka): Madam Deputy Chairman, I am at the fag end of the debate. So it is difficult for me to go through the entire gamut within a short time. Therefore, I confine my remarks to a few issues. I symapthise, to start with, with the tragic plight of the Congressmen described by my previous friend. They seem to be panicky and paranoid in meeting an issue which is basically moral. Madam, I recapitulate the view I expressed when I opened the debate on the Bofors issue in the last session. I then pleaded with the Government that an issue like this could not be brushed aside, could not be swept under the carpet, and the best way to meet the situation was to appoint straight away a Parliamentary Committee to investigate. But the Government was not prepared to do so. It created an impression that the Oppoosition was wrong and they were right and there was nothing to inquire into. They took a highly moralistic attitude at that time. But the issue is very important. For the first time in the last forty years, in this 40th year of our Independence which we are observing with all solemnity, we are fated to discuss a moral crisis faced by this Government and also, for the first time, in the history of free India, the moral authority of the Prime Minister to govern is questioned. May I ask my friends opposite with all humility whether the legitimacy, credibility, name and image of the Prime Minister were being threatened in the past in such gigantic proportions? Never. Therefore, when the Opposition suggested a parliamentary probe, it was denied. Why was it denied? May I ask this question? Till now there is no answer forthcoming to this question on this issue. Secondly, where was the need for the Prime Minister or any of his cohorts to take varying positions, contradictory positions, for the last three months on this issue? Ministers have resigned; maybe ostensibly for political reasons; maybe for moral reasons; may be for fear that their existence in the Government may prove a greater threat to their existence. Madam, I wish the Prime Minister had been here in this House. It is a very important debate involving him and his Government. I don't think that a responsible Prime Minister would shy away from the debate, would shy away from hearing the discussion, on an issue which directly concerns him.

SHRI P. N. SUKUL (Uttar Pradesh): But the Government is here.

SHRI M. S. GURUPADASWAMY: I know it and I am aware of it. I am not an ignoramus... (*Interruptions*)...I am aware of it and I am not an ignoramus. I think you will agree with me in your private talks with me that the Prime Minister should have been here. We miss him here now. Apart from this, the issues that we have raised are far-reaching. For this first time, at least after forty years a moral issue has become the central issue of the day. In the recent past, corruption was a non-issue. We had heard even the former Prime Minister, Mrs. Indira Gandhi, saying that corruption is a world-wide phenomenon. Therefore, nothing can be done about it. I am happy that at last for the first time corruption has become a central issue. It has become very serious, important, significant and vital because the Prime Minister and his Government is involved. I am sorry for my friend here who has preceded me. He said that the opposition is very much interested in the Prime Ministership. Not at all. It is your preserve. Make it so by all means. But for God's sake, don't equate the Prime Minister with the nation. Don't make as if he is the nation. No, I don't think we have come to that stage. We have not reached that stage and predicament. Again, don't say that if Rajiv Gandhi goes Congress perishes. No. I think you are capable of withstanding anybody going out. The Congress Party is a big party, whatever may be its present composition. It has played a very historic role in the country. Don't belittle your organisation. The Congress is more important than thousand Rajiv Gandhis Rajiv Gandhis can be found but not the Congress Party I warn you as a friend of the Congress. (*Interruptions*) I want to be a friend of the Congress. That is why I am saying it. Don't equate Rajiv Gandhi with the Congress or with the country. Rajiv Gandhi can be dispensable. But the country is more important. I just give a warning to you.

What are you trying to do now? What is the opposition asking? Are we asking something unreasonable or illogical or something extra-ordinary which is not acceptable? What are we asking here? We want that this Committee which you are going to form, should have adequate powers to probe the facts. A very high committee of Parliament should be adequate, effective and absolute. Its powers should not be hindered by anybody or by any obstacle, may be Speaker, may be anybody. I think the Speaker is the creature of Parliament. This Committee, if it is going to be formed, should have unhindered freedom to investigate any matter. This is the cardinal principle of a high-powered committee of Parliament which is to investigate the affairs concerning this Government and the affairs concerning the Prime Minister himself. Therefore, let it be very very clear. We want that this Committee should have absolute powers to investigate the Bofors deal. This should be clear. If you agree to it, then you have to agree to all the ramifications and all the problems arising out of Bofors deal and not merely the Bofors gun deal. It may include accessories, special systems, special contracts. All these things should form part and parcel of the enquiry. What do you want to enquire now? You have brought your own terms of reference. Under your terms of reference, you have to find out where the kickback is. That is all. Those who have received the money, they are known to you and to some of the other friends, I think. The Audit Bureau Report contained those names. I am told that there are five names mentioned in the Audit Bureau Report. I am told so. (*Interruptions*) I do not know. You do not know. You need not...

SHRI K. C. PANT: The Audit Bureau Report is a public document. That is circulated.

SHRI M. S. GURUPADASWAMY: You do not know yourself. I am just raising the...

SHRI PARVATHANENI UPENDRA: They are pretending that they do not know.

SHRI M. S. GURUPADASWAMY: It is said that five names were mentioned in the Report. Therefore, the simple remedy is that you ask the Audit Bureau itself or the Swedish Government to give the names. That is the end of it. If this Committee is constituted, what will they do? They have to ask the same authorities. They have to ask the Audit Bureau there or the Swedish Government or maybe the Bofors or the Bank there. That is all. What for are you constituting this Committee unless, you want to probe into various ramifications off-shoots arising out of this deal. I say this that there are plenty of ramifications, sub-contracts arising out of the main contract, also deal with kickbacks. What is that firm' 'Lotus'. In Switzerland it has got accounts. Who were the Directors of this firm 'Lotus'? Who are the Directors of this 'Lotus', let us know. We have got to go into this question. We have got to go into the question of those of the committees which negotiate the price of this Bofors deal. We have to go into the background of the firms which are supplying ammunition, accessories and things like that. Therefore, the scope of the Committee has got to be broadened and enlarged. That is our request. If you want to know the truth, nothing but the truth, then the powers of the Committee should be adequate and comprehensive. (*Interruptions*) With this truncated Committee, you cannot bring out the truth, you cannot know the realities in the deal. Therefore, Madam, we oppose the terms of reference given to us by Government.

Secondly, Madam, we wanted the German submarine deal also to be brought in. Why? It is not without reason. The German submarine deal involves Rs. 1400 crores and the commission paid is something like Rs. 30 crores. And it is a big deal. There are other deals also. We have not been going into all the other deals. It is not a roving enquiry. My friend, Mr. Pant, always says to us that there should not be a roving enquiry. I agree with him. There should not be a roving enquiry. We have got to have a focused, limited enquiry on specific issues. Therefore, we have brought in the German submarine deal also here. They are inter-linked. I say the German submarine deal is very important because the companies which have supplied submarines to us have supplied the blue-prints to South Africa after taking consideration. I would like the Minister to contradict me if I am wrong. It is a very serious matter. Our submarine technology will be known to South Africa also. If it is so, it is highly objectionable thing. Therefore, we would like to have the submarine deal also linked up with this enquiry. Thirdly and lastly, we want this Committee to summon anybody, any document. Why? It is not an irresponsible Committee. My friend was making out a case as to how can a Minister or the Prime Minister appear before the Committee. Under what law can he say that he cannot appear? Was he not saying about joint responsibility? Did he accept the responsibility when V. P. Singh ordered the inquiry in regard to Fairfax? Did he own the responsibility?

SHRI BAHARUL ISLAM: Madam, I may be allowed to answer that question. Suppose V. P. Singh is today called by this committee, when he is no longer a Minister, he will be controlled by the presiding officer, because the presiding officer, whoever he may be, he will be bound by the provisions of the law. V. P. Singh will be asked on what point he is going to tender evidence? Does it

arise out of his personal knowledge? Or does it arise out of his handling the affairs of State or State secrets? He may say, I am going to speak on something with reference to a certain decision taken in the Cabinet. Then the officer will say, no, I will not allow you to do so.

SHRI PARVATHANENI UPENDRA: That is the crux. That is what we are saying. That is exactly what we are saying.

PROF. C. LAKSHMANNA (Andhra Pradesh): The cat has come out of the bag.

SHRI M. S. GURUPADASWAMY: My short point is that the Government is under a shadow when it is facing a moral crisis of huge proportions. When the country is faced with a Government which is under a cloud, your Official Secrets Acts should not stand in the way. Your Official Secrets Act is only to subserve the interests of the nation. Your Official Secrets Act should not come in the way of Parliament exercising its power. Your official Secrets Act should not come in the way of the Sovereign people exercising their authority over the issue. Your Official Secrets Act should subserve the interests of the nation. Therefore, I say take away your Official Secrets Act. Therefore, we are doubtful whether this Committee which you are going to form will have the freedom and the powers needed to probe into the whole affairs. That is what we are pointing out. It should be free. The Committee should be free, absolutely free to probe into the whole question.

Therefore, Madam, finally I say, we cannot in these circumstances associate ourselves with this Committee Though I am not going into the composition of the Committee, in my earlier speech I have said that I do not want to go into the composition of the Committee. My friends have already said that. I have also said that earlier. I will only say that with a view to liberate itself, this Government and the Prime Minister in particular should agree to our terms of reference. Otherwise the legitimacy and the credibility of this Government and the Prime Minister in particular will suffer in the eyes of the people.

THE DEPUTY CHAIRMAN: Yes Mr. Minister.

श्री सत्यपाल मलिक : (उत्तर प्रदेश) माननीया, मेरा व्यवस्था का प्रश्न है। कल वाईस चैयरमैन साहब ने व्यवस्था दी थी। मैं पढ़ देता हूं, आपकी जानकारी के लिये जब मैंने बोलने की अनुमति चाही थी

"I have told you and I again respect that if the list which is with me is over and if time is available then I will consider your name."

सिमिलर सिचुयेशन में इमरजेंसी में कृष्णकान्त जी को बोलने की इजाजत दी गयी थी।

उपसभापति : यहां कोई इमरजेंसी नहीं है और टाइम भी खत्म हो गया है, आप बैठ जाइए

No; nothing will go on record. I have not allowed you to speak.

SHRI SATYA PAL MALIK:*

SHRI PARVATHANENI UPENDRA: Madam, on a point of order. (*Interruptions*) The rulings given from the Chair have to be honoured. Now, you may be sitting. After one hour, somebody else may be there. Yesterday, there was a clear assurance that if there is time at the end of the list, his request will be considered. Now, you cannot say there is no time. We have enough time. We are prepared to sit late. We will wait. There is no harm in giving him

*Not recorded.

[Shri Parvathaneni Upendra]

five or ten minutes. (*Interruptions*) By denying him...

THE DEPUTY CHAIRMAN: Whom?

SHRI PARVATHANENI UPENDRA: Mr. Malik... (*Interruptions*) Let me complete. (*Interruptions*)

THE DEPUTY CHAIRMAN: Please sit down. This is a point of order. I have allowed him.

SHRI PARVATHANENI UPENDRA: Madam, the discussion has gone on in a very peaceful and dignified manner. At the end of it, let not the atmosphere be spoiled. By denying him the opportunity to speak, you are giving an impression * * that the Congress Party is gagging him. I do not think he is going to mention anything startling more than what has already been said. (*Interruptions*)

THE DEPUTY CHAIRMAN: Mr. Valiullah, please sit down.

SHRI RAOOF VALIULLAH (Gujarat): Madam, this is not a point of order.

THE DEPUTY CHAIRMAN: This is not a point of order. (*Interruptions*)

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): Madam, the Congress Party had a long list of speakers. Subsequently, for want of time, about 20 names have been withdrawn. We do not have any more speakers from our side.

THE DEPTUY CHAIRMAN: The Congress Party has made it very clear.

SHRI ATAL BIHARI VAJPAYEE: Madam, has he got no right to speak?

THE DEPUTY CHAIRMAN: Because he belongs to particular party

SHRI ATAL BIHARI VAJPAYEE: He is a Member of this House. He should be allowed.

THE DEPUTY CHAIRMAN: May I know why you are recommending the name of a particular Member and not of others? (*Interruptions*) He belongs to the Congress Party and the Congress Party has not given his name. They have withdrawn the names. How can I allow it? It is not possible. Please sit down.

(*Interruptions*)

श्री अटल बिहारी वाजपेयी : आप उन्हें बोलने दीजिये, मैं समझ लूंगा। **(व्यवधान)**

श्री लाल कृष्ण आडवाणी : (मध्य प्रदेश) : आपने पूछा कि विपक्ष की ओर से इस बात का आग्रह क्यों किया जा रहा है कि श्री सत्यपाल मलिक को समय दिया जाये। मैं भी इसी बात को उठाने की कोशिश कर रहा था। सत्यपाल जी ने अपना उदाहरण दिया है, वह हुआ विशेष है। आमतौर पर देश में ऐसी परिस्थिति पैदा होती है, जब पार्टी के अन्दर या अलग-अलग मत होते हैं। **(व्यवधान)**। आपने सवाल पूछा है, उसका जवाब दे रहा हूं। **(व्यवधान)**। कभी-कभी देश में ऐसी परिस्थितियां पैदा होती हैं। सबको पता है कि इमरजेंसी के दौरान में श्री कान्त [illegible] पार्टी के अध्यक्ष होते हुए भी [illegible] बावजूद उन्होंने अध्यक्ष ने उनको अनुमति दी थी। इसको हटा कर। वरन् उस इतिहास में यह बदतर स्थिति है, जो सत्यपाल जी को बोलने की इजाजत नहीं दी जा रही है ... **(व्यवधान)**

THE DEPUTY CHAIRMAN: This will not go on record. Whatever Mr. Advani said will not go on record. (*Interupptions*)

SHRI LAL K. ADVANI: Why?

THE DEPUTY CHAIRMAN: It will not go on record.

*Expunged as ordered by the Chair.

SHRI LAL K. ADVANI: You have asked me to speak (*Interruptions*).

SHRI PARVATHANENI UPENDRA: You have allowed him. (*Interruptions*).

THE DEPUTY CHAIRMAN: You cannot compare that situation with this situation. (*Interruptions*). He belongs to a particular party. Let him say... (*Interruptions*) that he has resigned from that party (*Interruptions*) Let him say that. He cannot be allowed. Please sit down, (*Interruptions*). You cannot compare that situation with this (*Interrupions*).

SHRI PARVATHANENI UPENDRA: We will not allow the Minister. If you expunge Mr. Advani's remarks, we will not allow the Minister to speak. (*Interruptions*) You asked him to speak. You cannot expunge. (*Interruptions*). Mr Malik should be allowed to speak.

THE DEPUTY CHAIRMAN: No. (*Interruptions*)

SHRI DIPEN GHOSH: Madam, I am on a point of order. (*Interruptions*).

श्री अटल बिहारी वाजपेयी : मेरा व्यवस्था का प्रश्न है. . **(व्यवधान)**

उपसभापति : अगर आप शान्ति से कुछ कहेंगे, तो शान्ति से कह दीजिये। **(व्यवधान)**

श्री अटल बिहारी वाजपेयी : महोदया, मेरा व्यवस्था का प्रश्न यह है कि आडवाणी जी आपकी इजाजत से बोले। आपने मुझसे प्रश्न पूछा था।

उपसभापति : इसलिए उनका रिमार्क में नहीं जाएगा क्योंकि आपके कहने उन्होंने जवाब दे दिया ... **(व्यवधान)**

श्री अटल बिहारी वाजपेयी : महोदया, ऐसा मत करिये। वे जब बोल रहे थे तो आपने उनको टोका नहीं, लेकिन जब उन्होंने इमरजेंसी का नाम लिया तो आप नाराज हो गईं ... **(व्यवधान)**

उपसभापति : अगर गैर बात कहेंगे तो रिमार्क निकाल सकते हैं। मैंने आपको एलाऊ किया था। बिना इजाजत के कोई बोलता है तो कैसे रिमार्क पर जा सकता है ?

श्री अटल बिहारी वाजपेयी : मैं आपसे अपील करता हूं कि आप अपने फैसले पर पुनर्विचार कीजिये। आडवाणी जी की राय से आपका मतभेद हो सकता है मगर उन्होंने जो कुछ कहा है वह कार्यवाही में रहना चाहिये।

उपसभापति : मैंने आपको एलाऊ किया था। अगर आप अभी कोई पाइन्ट आफ आर्डर उठाना चाहते हैं तो उठा सकते हैं।

SHRI DIPEN GHOSH: Madam, I am on a point of order.

SHRI M. S. GURUPADASWAMY: Shri Advaniji has not said anything wrong.

SHRI DIPEN GHOSH: I am on a point of order.

THE DEPUTY CHAIRMAN: I am talking to them, to Mr. Vajpayee. (*Interruptions*). Are you yielding to him? All right, Mr. Dipen Ghosh.

SHRI DIPEN GHOSH: As we learn, Shri L. K. Advani, hon. Member of this House, was allowed by the Chair to speak and we observed that when he spoke there was no complaint, no objection to any word used by him as objectionable or unparliamentary. (*Interruptions*). That is for the Chair to decide. You don't shout. (*Interruptions*). Mr. Advani spoke on an order from you, from the Chair. So, what part of his statement was unparliamentary for which you have ordered expunction of his speech, that is my point of order. You kindly give a ruling to this point of order. (*Interruptions*). You must give a ruling to this point of order, under what rule his speech was considered to be unparliamentary.

[Shri Dipen Ghosh]

श्री लाल कृष्ण आडवाणी : मैं आपकी परमिशन से बोल हूं । आपसे सवाल पूछा मैंने आपकी परमिशन से जवाब दिया... (**व्यवधान**)

THE DEPUTY CHAIRMAN: Please listen. While raising a point of order you cannot raise controversial issues.

SHRI DIPEN GHOSH: Show us the rule. (*Interruptions*).

THE DEPUTY CHAIRMAN: You wanted to say that the hon. Member should be permitted.

SHRI DIPEN GHOSH: Under what rule have you ordered the expunction of his speech?

THE DEPUTY CHAIRMAN: You wanted to say that the hon. Member should be permitted. The hon. Member belongs to the Congress (I) party. The Congress (I) Whip gave a list of speakers, but due to lack of time they have withdrawn the names of the remaining speakers. Therefore, the Member cannot be permitted, this is a simple thing and you need not raise all these things here. (*Interruptions*) Yes, Mr. Jagesh Desai. (*Interruptions*)

SHRI DIPEN GHOSH: I raised a point of order. (*Interruptions*).

THE DEPUTY CHAIRMAN: Listen, I wil go through the record and then decide. Let it now. . . . . (*Interruptions*).

SHRI PARVATHANENI UPENDRA: Everybody has heard it.

THE DEPUTY CHAIRMAN: Listen, whatever Mr. Advani has said, I will go through the record and then decide it. Please sit down.

THE MINISTER OF STATE IN THE DEPARTMENT OF DEFENCE PRODUCTION AND SUPPLIES IN THE MINISTRY OF DEFENCE (SHRI SHIVRAJ PATIL): Madam...

SHRI JASWANT SINGH (Rajasthan): Madam, I am on a point of order.

SHRI SHIVRAJ PATIL: I would request if any hon. Member is raising any point of order, he should first say which rule is broken. (*Interruptions*)

SHRI DIPEN GHOSH: I raised the point of order under which rule the Deputy Chairman had ordered expunction of Mr. Advani's remarks.

SHRI V. GOPALSAMY (Tamil Nadu): We have not to learn it from you.

SHRI CHATURANAN MISHRA (Bihar): So you are amending your ruling. The earlier ruling was that it should not be recorded. Subsequently, you have said that you will go through the record and then decide.

SHRI DIPEN GHOSH: Under which rule you have ordered expunction of the statement.

THE DEPUTY CHAIRMAN: The Chair has every right. I will look into the record. (*Interruptions*)

SHRI K. MOHANAN (Kerala): You must be fair. (*Interruptions*)

THE DEPUTY CHAIRMAN: Don't shout like. That is the manner in which you want to run the business?

SHRI V. GOPALSAMY:* We will not allow this.

SHRI JASWANT SINGH: Madam, my point of order is best examplified by the Minister of State's Intervention itself.

SHRI SURESH KALMADI (Maharashtra): Under which rule are you speaking? (*Interruptions*)

SHRI K. MOHANAN: Under which rule are you speaking? (*Interruptions*)

SHRI CHATURANAN MISHRA: There are so many presiding officers!

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*Expunged as ordered by the Chair.

SHRI RAOOF VALIULLAH: There are more on your side.

SHRI CHATURANAN MISHRA: All right, altogether we have many presiding officers.

SHRI NIRMAL CHATTERJEE: You must have the concern of the whole House.

SHRI RAOOF VALIULLAH: You say* and that goes on record! (*Interruptions*).

SHRI NIRMAL CHATTERJEE: It is absurdity. (*Interruptions*). We want to show respect to the Chair.

SHRI M. M. JACOB: I would appeal, let us cooperate and reduce the tension now. I am requesting them. (*Interruptions*) I am only requesting for good conduct let us be. ...

SHRI NIRMAL CHATTERJEE: Let the ruling be revised.

THE DEPUTY CHAIRMAN: Please keep quiet. Order, please, order.

SHRI V. GOPALSAMY: It shows the trend of emergency. That is what he said.

SHRI JASWANT SINGH: Madam, Deputy Chairman, with your permission I would like to tell my esteemed friend, honourable Mr. Suresh Kalmadi, that the rule under which I speak is the right that the Chair has granted me. The Chair has recognized me. That is the rule which entitles me to address myself to the Chair, Madam Deputy Chairman, that is precisely my point. (*Interruptions*).

THE DEPUTY CHAIRMAN: What is your point of order?

SHRI JASWANT SINGH: I am coming to it now. Having done me the great courtesy of recognizing me, advance me a little further courtesy of hearing me with patience.

THE DEPUTY CHAIRMAN: I am asking you to proceed.

*Expunged as ordered by the Chair.

SHRI JASWANT SINGH: Just as your recognition of me entitles me to your attention and the attention of the House, may I submit, in all humility, Madam; that this strength or the power or the authority of the Chair is the collective authority of the House reposed in you? (*Interruptions*).

SHRI VITHALRAO MADHAVRAO JADHAV: When you raise your point of order it is not necessary that arguments be raised. You are just wasting the time of the House . . . . (*Interruptions*). ...

SHRI JASWANT SINGH: Madam, I have two points of order. The first will now take me four or five sentences.

THE DEPUTY CHAIRMAN: You can raise only one at a time.

SHRI JASWANT SINGH: I can, if you permit me. It is not for me to challenge the pronouncement of the Chair, but I can have two points of order. The point is, your power is the collective power of all of us. You are the preserver.

THE DEPUTY CHAIRMAN: Please come to your point of order.

SHRI JASWANT SINGH: I am coming.

SHRI M. M. JACOB: I have a point of order on his statement. (*Interruptions*). ...

THE DEPUTY CHAIRMAN: You are unnecessarily wasting the time of the House. Please come to whatever is your point of order, straightway. Don't make any prefaces.

SHRI JASWANT SINGH: I will straightway come to my two points of order.

THE DEPUTY CHAIRMAN: Only one.

SHRI JASWANT SINGH: Two. The right of expunction of the Chair is the right inherent in the Chair. It is a

[Shri Jaswant Singh]

right, which I appeal to you, to exercise with the greatest care. If you expunge arbitrarily, you are expunging the right of free debate. Please reflect that when diverse viewpoints are expressed in this House if the Chair were to exercise his or her judgment on those views, and because you differ, therefore, you expunge, you are curtailing the right of expression of the total House.

SHRI V. GOPALSAMY: It never happened before.

THE DEPUTY CHAIRMAN: Is it over?

SHRI JASWANT SINGH: That is my first point. My second point is....

THE DEPUTY CHAIRMAN: How can we proceed if you go on like this? Please finish.

SHRI JASWANT SINGH: The second is an appeal I make to you because you are... *(Interruptions)*...

SHRI RAOOF VALIULLAH: A point of order is never an appeal.

THE DEPUTY CHAIRMAN: I am sorry. I have given an opportunity to you but you are not utilizing it. I am very sorry.

SHRI JASWANT SINGH: You granted me an opportunity. Will you let me finish in just two sentences?

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THE DEPUTY CHAIRMAN: Let him complete two sentences, only two sentences.

SHRI JASWANT SINGH: Only two sentences. Parliament comprises this House, the Lok Sabha and the President. The hon. Prime Minister found it necessary to intervene in the House because he was handling.

THE DEPUTY CHAIRMAN: This is no point of order.

SHRI JASWANT SINGH: Why has the Prime Minister not found it necessary even to be present here on a debate concerning Bofors, on which he made some intervention in the other House, but as the then Defence Minister he does not even come?

THE DEPUTY CHAIRMAN: First of all, you said that I would arbitrarily expunge. You presume that I would be arbitrary. You are wrong there. I am going to use my own judgement and decide for myself.

Secondly, the second point is no point of order. I overrule it.

SHRI V. GOPALSAMY: The Prime Minister should be present.

THE DEPUTY CHAIRMAN: Hon. Minister. No noise please.

SHRI SHIVRAJ PATIL: I would like to start this debate, Madam, by thanking the hon. Members from the Opposition as well as the Members from this side. The reason why I am thanking them is, as was said by one of the hon. Members, the standard of debate in my humble opinion, was quite good.

Madam, when the hon. Members from the other side were speaking and the hon. Members from this side were speaking, I was very patiently hearing the points they were making. May I expect, Madam, when I am on my legs to speak, I will have the honour of receiving the same kind of courtesy from them?

श्री राम अवधेश सिंह (बिहार) : अगर आप गलत नहीं बोलेंगे तो ।

SHRI SHIVRAJ PATIL: Madam, the Members from the Opposition have made many, many points, and the Members from the ruling party have replied to those points very cogently and, I should say, in a convincing manner.

SHRI PARVATHANENI UPENDRA: Convincing whom?

SHRI SHIVRAJ PATIL: I would like to reply to those points which have really remained unanswered because I know there is going to be constraint of time and it would not be possible for me to deal with all the points which have been raised by the hon. Members from this side and that side also.

Madam, the first point which I would like to make relates to the contract itself. I would not take a long time to explain. But these are a few points which I would like to put before this august body. The contract for the gun was initiated in the year 1977. Actually, looking for the gun and looking for the companies from which the gun was to be taken was started in 1977. The contract was signed in the year 1986 Madam, in the course of discussions and negotiations, the price for the gun was reduced by about 15 per cent There were many companies, six or seven companies. They had quoted and the guns given by them were examined by experts. Ultimately, there were two companies, one from France and the other from Sweden ,and there was a competition between the two The difference in the price quoted by these companies comes to about 10 crores of rupees. The difference between the price we have paid for these guns compared to the price which was finally quoted by the French company is about Rs 10 crores. I want to convey to this House this fact.

This contract is not only for purchasing the guns. It is a contract for licensed production also. In the other House, and I think in this House also some of the Members wanted to know whether we are going to keep on purchasing these guns or whether we are going to produce them in the country also. The contract provides that the technology will be transferred to India. We will establish the production unit; we will produce the guns. We will not produce the guns only for ourselves, but one of the most important elements in the contract relates to the buy-back arrangement. We will produce the guns, use them and the Swedish company will buy some of them back. Some of the guns will be purchased by the company also.

One more important point in relation to the contract relates to the continuous transfer of technology. Having got this technology and having started the production we are not going to stop there only. But if there is any improvement done by the company on the technology used for the production, that technology is going to come to India also.

There is one more point. In order to keep the balance of trade acceptable to India, one element mentioned in the contract is that if the guns are not available for Sweden to purchase from India, they would purchase certain other goods from India.

India is given credit for purchasing these guns by Sweden. Eighty per cent of the price of the guns purchased will be paid on the credit These are some of the salient features of the contract and I have tried to put across to the hon. Members in very very broad outline.

One point was raised by some members and not by all Members. That point related to the quality of the gun. Fortunately, there were not many members questioning the quality of this gun. But I had the impression that they had thought that the gun is a quality gun. There were some members who had asked this question whether it is a quality gun. Gen. Aurora one of the hon. Members in this House yesterday or day before yesterday spoke and he said that this is a good gun. Certificate given by Gen. Aurora should be acceptable to us. He knows what technology is used in the weapons. what weapons are there. I am not

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trying to put him in a tight corner, but in a very objective manner he had made the statement and we have every reason to accept the statement made by him as to the quality of the gun. My esteemed friend, Mr Arun Singh, also spoke at very great length about the quality of the gun. And my impression is, in his opinion also, the quality of the gun is quite acceptable and quite good. This gun was examined by the experts I would not be able to give any certificate, because I am not an expert. I am a layman. If I say the gun is good, well anybody can accept that statement or you may not accept that statement. But the Army, the users, have given us to know that the gun is acceptable to them and the gun is very good. Mr. Virendra Verma asked one question relating to the quality of this gun. I was trying to get up and explain at that time itself, but somehow or other it would have broken his link. He was not ready to yield. Well, now I have to explain him. A question was raised and it pertains to the quality of gun. He said that this gun was tried at Deolali and some defects were found in it. I would like to tell him that this gun was not tried there. But we were training some of the soldiers on the gun at Deolali. I am told that in the course of the training they have used this gun and overused it, they found that there were cerain defects. They were minor defects. As some hon. Member has very ably explained in this House if you get a car or a computer or a sophisticated equipment there will be some teething problems at the initial stages and sometimes we find some defects develop and we shall have to get those defects removed. So that kind of thing had happened to this gun. But that itself will not go to show that his is not a quality gun or....

SHRI PARVATHANENI UPENDRA: One question: Did you see the report? May I know whether you had occasion to go through that investigating report?

SHRI SHIVRAJ PATIL: You will be surprised to know that this contract runs into thousands of pages and there are files and files and pages and pages. We rely upon the information given to us by our officers under their signatures and I am informed and this information I have received from my officers. This is the letter written not to the Defence Ministry but to the Army Headquarters and from Army Headquarters they have received the information and that information was passed on to me. So there are so many stages in between. I am not going to deal with all those stages. It will not be possible for me. But when the information is given to me, I will rely upon that information and I would make that statement to you. But I have not seen that report.

SHRI DIPEN GHOSH: Tell us about the quality of the buyer and the quality of the payment.

SHRI SHIVRAJ PATIL: Madam, I now come to the main points which are before this House. In this debate, we are dealing with the constitution of the Committee. We are dealing with the Joint Select Committee...

SHRI DIPEN GHOSH: Joint Parliamentary Committee.

SHRI SHIVRAJ PATIL: I take your word.

Madam, I seek your indulgence to read out some of the statements which were made by the hon. Members on the 21st April, 1987. I would start with the hon. Member, Mr. Dipen Ghosh. I am going to read from the verbatim proceedings of this House:

> "I will try to follow this and I would expect Mr Arun Singh to accept my proposals. A small suggestion of mine; agree to set up a Parliamentary Committee."

This is what he has said.

SHRI DIPEN GHOSH: We wanted a parliamentary committee. (*Interruptions*).

SHRI SHIVRAJ PATIL: I am not blaming you. I am just saying what you have said. (*Interruptions*) I will explain to you later. I am just quoting your words. (*Interruptions*).

SHRI DIPEN GHOSH: I also demand a Parliamentary Committee today as at now.

SHRI SHIVRAJ PATIL: I have not said anything else. I have just read what you have said. If you have any objection to my quoting your words, you tell me.

THE DEPUTY CHAIRMAN: He is just quoting what you have said.

SHRI SHIVRAJ PATIL: Madam, my learned friend, Mr. Upendra has said this:

SHRI PARVATHANENI UPENDRA: We wanted a Parliamentary Committee. But why do you waste the time? Is it not the Committee of their choice?

SHRI SHIVRAJ PATIL: I will come to that. My learned friend, Mr. Upendra has said this on the 21st April, 1987:

> "If a Committee is unwieldy, you still appoint a small Committee of Members of Parliament. Ten people or a dozen people from various parties. You can keep the majority of the members from your party and when we are suggesting a Parliamentary Committee to go into these details, it is a very reasonable request. Why it is that the Government is adamant and refusing this? We are not asking for anything else."

This is what my learned friend has said. (*Interruptions*). Then on 10th of August, 1987, my learned friend, Mr. P. Upendra says this: "But you want to escape from taking the responsibility in the name of a Parliamentary Committee." He is charging that we are appointing a Parliamentary Committee and escaping from the responsibility and what he says again, after some time, "we are not going to participate in any Parliamentary Committee."

SHRI PARVATHANENI UPENDRA: Madam, he is picking up a stray sentence and quoting. You must allow me to read a complete portion of my speech here on this issue.

THE DEPUTY CHAIRMAN: Doesn't matter. Let him quote.

SHRI PARVATHANENI UPENDRA: I said that this Government and its leaders have become nervous and panicky in the matter and they continue to be so even after four months. "Today, they have come up with this Parliamentary Committee. Yes, we asked for the appointment of a Parliamentary Committee but under what circumstances? When the truth was not there, when it was not known and when there was need to unearth facts. But today, every fact is at your command and it is your duty to catch the culprits and punish them.

SHRI SHIVRAJ PATIL: I am not saying that you have not said that. It is a matter of record now. (*Interruptions*).

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh): Madam, I seek your protection. This is wrong for a Minister to indulge... (*Interruptions*).

THE DEPUTY CHAIRMAN: He is making an explanation. It was regarding Mr. P. Upendra. You need not intervene. You have no concern at all. Please sit down. You want to challenge Mr. P. Upendra's statement.

SHRIMATI RENUKA CHOWDHURY: I am within my rights to say that if... (*Interruptions*).

THE DEPUTY CHAIRMAN: Order please. Please sit down.

SHRI K. C. PANT: Madam, it is perfectly legitimate if the lady Member changes her mind but not for Mr. Upendra.

SHRI PARVATHANENI UPENDRA: Madam, Mr. Pant has provoked me. Now, I want to read one more paragraph. I said: "if you have got the guts, you should say, we are clean. You have your own Parliamentary Committee and get at the truth. Have you got the guts to say that? Then why are you haggling? Why are you haggling over the membership? Why are you haggling over the chairmanship? Why are you haggling over the terms of reference?"

SHRI SHIVRAJ PATIL: I am not disputing that you have not said that. Very ably you have said it and very patiently, I have heard it. Now, my other friend. Mr. Gopalsamy what did he say on 21st of August? Mr. Gopalsamy, I will hear your interruption after I complete and not in between Mr. Gopalsamy said, "but what law prevents you to order a Parliamentary probe?" He is asking what law prevents to order a Parliamentary probe. "In the same way, if the Government is honest, if it is not guilty, why should it not agree to the demand of the Opposition for setting up a Parliamentary Committee?" Very good statement. And day before yesterday he said, "You form a Committee and nothing will come out of it." (*Interruptions*)

SHRI V. GOPALSAMY: Madam,... (*Interuptions*).

SHRI SHIVRAJ PATIL: Mr. Gopalsamy, I will hear you. (*Interruptions*) You please here me first. "You form a Committee and nothing will come out of it. Therefore, we cannot be a party to join the culprits in the Committee. With these words, I conclude."

SHRI V. GOPALSAMY: Madam, he has quoted out of context.

THE DEPUTY CHAIRMAN: This is not the question and answer hour.

SHRI V. GOPALSAMY: No, no. He has quoted out of context... (*Interruptions*)

SHRI ATAL BIHARI VAJPAYEE: ...This won't help (*Interruptions*).

THE DEPUTY CHAIRMAN: Yes. I am allowing him.

SHRI V. GOPALSAMY: What I stated was, your Prime Minister, this ruling party, the Congress party, has taken a stand from the very beginning that the charges were false and there was no payment. This is the statement made by the Prime Minister on the floor of the House.

(*Interruptions*)

But, subsequently it was proved that payments have been made. So, under these circumstances, I said that if you appoint a Committee, that is a delay tactic and that tactic the Prime Minister has made is known to the whole world. Therefore, we will not be a party to the culprits because you have swindled the money. This is my point.

SHRI SHIVRAJ PATIL: I have no objection. You have given the explanation. वीरेन्द्र वर्मा जी ने कहा था। माफ करना आपने अच्छा कहा था 'एक प्रार्थना मैं आपसे करूंगा कि इस बात की जांच कमेटी के जरिए से कराइए' आपने बिल्कुल दुरुस्त कहा था। अब परसों के दिन आपने क्या कहा "जिस प्रकार की संसदीय समिति का आप गठन करने जा रहे हैं उससे कोई लाभ नहीं है।" बिल्कुल सही बात है। आपका कहना है कि यह संसदीय कमेटी जिस तरह की बन रही है उससे काम चलने वाला नहीं है। अब दूसरे पाइन्ट पर आऊंगा। अभी आपने जो कहा वह मैं बताने जा रहा हूं।

(*Interruptions*)

SHRIMATI RENUKA CHOWDHURY: ...The Prime Minister has informed the House that he has not taken kick-backs. (*Interruptions*) We want to know the facts. (*Interruptions*)

THE DEPUTY CHAIRMAN: Every now and then if you want to get up, how can we conduct the business? You cannot do like that.

SHRI SHIVRAJ PATIL: When you get up every time and speak, other Members feel... (*Interruptions*). You are insulting them. They are capable of protecting themselves. If Mr. Virendra Verma has any objection ... (*Interruptions*)

SHRIMATI RENUKA CHOWDHURY: But they need protection. I am not faulty. I am perfect. (*Interruptions*)

SHRI SHIVRAJ PATIL: If you have any valid point to make, I will reply. Please do not try to protect others. They do not need your protection. (*Interruptions*).

SHRIMATI RENUKA CHOWDHURY: You have to protect... (*Interruptions*)

SHRI SHIVRAJ PATIL: I will certainly protect you as all others. That is my duty.

SHRIMATI RENUKA CHOWDHURY: I do not need it. (*Interruptions*)

THE DEPUTY CHAIRMAN: Order, please.

SHRI JAGJIT SINGH AURORA (Punjab): I would like to make a humble request to the Minister. Are we achieving anything out of these last ten minutes discussion? We must be serious about it. If you say your aim is to excite and just go over those things again, you can carry on. I am very sorry to say it is not improving the standard of discussion and we are not achieving anything.

SHRIMATI RENUKA CHOWDHURY: I associate myself with what he has said.

SHRI SHIVRAJ PATIL: I would very humbly submit by reading out the statements of the honourable Members... (*Interruption*) I am trying to establish that it is they who wanted a committee and at their instance we are appointing a committee. I will come to the other points. (*Interruptions*) Please have patience to hear me. Now, Mr. Gurupadaswamy...

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश): मान्यवर हम तो अभी भी चाहते हैं कमेटी बने।

श्री शिवराज पाटिल : आपके बारे में मैंने बता दिया।

श्री वीरेन्द्र वर्मा : आप जरा रेणुका चौधरी को सैटिसफाई कर दें।

SHRI SHIVRAJ PATIL: I will read out only one statement and I will go to the other points. I need not read out the statements of other Members. This is what Mr. Gurupadaswamy said. I treat him as a very senior Member and we respect him for his views. In a very beautiful, very patient and convincing speech, very slowly, poetically, he said:

"I finally demand nothing short of a parliamentary probe. A parliamentary probe into this matter can satisfy the public. Let there be a parliamentary probe consisting of all political parties. I don't mind if you have the majority. Be there in three-fourths and give us one-fourth. We are functioning in a committee of Parliament where party considerations do not matter. For example, in Public Accounts Committee, in Estimates Committee, in Public Undertakings Committee and in many other committees we have functioned as one fraternity. I assure you we will not take political advantage of this matter. It is a very sensitive and critical issue. You must rise to

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the occasion and accept our reasonable request for a parliamentary probe and clear all the doubts, all the suspicions and all the misgivings about this deal."

We have just now heard ..(*Interruptions*)

SHRIMATI RENUKA CHOWDHURY: Madam, there was some doubt that I ran away. I want to go on record. I have not run away. I do not stoop to their mean level...

THE DEPUTY CHAIRMAN: Please sit down. Nobody said that you ran away. Nobody said any such thing.

SHRIMATI RENUKA CHOWDHURY: I heard somebody talking there like that. I have not run away. I can face any challenge...

THE DEPUTY CHAIRMAN: Nothing was said about you. Please sit down.

पर्यावरण और वन मंत्री (श्री भजन लाल : [illegible] हमने कुछ [illegible]।

SHRI SHIVRAJ PATIL: Madam, Mr. Gurupadaswamy was the last speaker, or the penultimate speaker, I should say, in this House and he said:

"What are you constituting this committee for?"

He was asking this question. I need not dwell upon this point. The point I was trying to make very humbly and by giving quotations from the statements made by honourable Members is that they wanted this parliamentary committee and they had no doubt what kind of a parliamentary committee it is going to be. They had made in their speeches very clear that the nature of this parliamentary committee is not going to be very different from that of the Estimates Committee, Public Accounts Committee and other committees...

SHRI PARVATHANENI UPENDRA: No, no. On a point of order. This is completely wrong...

SHRI SHIVRAJ PATIL: This is my interpretation...

SHRI PARVATHANENI UPENDRA: This is completely wrong. In our first meeting with the Prime Minister and the Minister for Parliamentary Affairs all along we have been saying that this should be a special committee with special powers.

SHRI DIPEN GHOSH: The question is that what you want to drive at is that today you propose...(*Interruptions*)...

SHRI SHIVRAJ PATIL: I will come to that.

SHRI DIPEN GHOSH: Just a second. I am not going to interrupt you. That is why I am helping you to arrive at the correct conclusions. You have proposed a Parliamentary Committee to be constituted.

SHRI SHIVRAJ PATIL: Yes.

SHRI DIPEN GHOSH: When we demanded a Parliamentary Committee, you did not agree.

SHRI SHIVRAJ PATIL: Yes.

SHRI DIPEN GHOSH: When you agreed to constitute a Committee...(*Interruptions*)....the Prime Minister ...(*Interruptions*)...Just listen just listen....(*Interruptions*).... When you agreed to constitute a Committee and when the Prime Minister—that is also there in the statement—had taken a meeting with the leaders of the Opposition parties and groups, where Mr. Pant was also present,...

SHRI SHIVRAJ PATIL: Yes, go on.

SHRI DIPEN GHOSH: ...there we made it clear and we made clear about what we wanted in writing and all the leaders of the Opposition parties and groups, having signed a letter, sent it

to the Prime Minister. There we have made it clear and we have made it clear as to what should be the terms of reference of that Committee, how the Committee shall be composed of, how the Chairman has to be made. All these we have made clear. So, I want to help you in recollecting all these things.... (*Interruptions*)

SHRI SHIVRAJ PATIL: I am not disputing that, Mr. Ghosh... (*Interruptions*).

THE DEPUTY CHAIRMAN: Order, please... (*Interruptions*).

SHRI JASWANT SINGH: Madam, with your permission, I will take just a minute... (*Interruptions*)

THE DEPUTY CHAIRMAN: No... (*Interruptions*). Order, please... (*Interruptions*)

SHRI SHIVRAJ PATIL: Mr. Upendra has not stated so very clearly in his statement. On the nature of the Committee which is going to be set up, I have said that Mr. Gurupadaswamy's statement, if you read it very carefully, comes out with this. But he has also not specifically stated that. But if you carefully read this statement which I have read, you will see that you were agreeable to ten or fifteen Members on the Committee. Mr. Gurupadaswamy was agreeable to a Committee having the nature which is enjoyed by the Public Undertakings Committee or the Estimates Committee. That is the point I was trying to make and I was trying to make that point by referring to the statements you yourselves have made. I was not trying to mock at you. I am saying this only to plead with you and to urge upon you to join this Committee and work in that Committee and not to mock at you. That is not my duty, I won't do that and I have not done that.

Now, Madam, my friend, the honourable lady Member, Shrimati Jayanthi Natrajan made a point and I like one sentence from her speech which I am quoting here:

> "We are for finding out the truth. Why are you afraid of it? Why do you shy away from this?".

Madam, this was the question. She is a Member in this House and she is asking this question and the people from outside are also going to ask this question. If the Committee is going to be appointed on your own demand and if you know the nature and character of the Committee that is proposed to be appointed and when the time comes and when the Committee is appointed, why is it that you are running away from it? Why is it that you are running away from it? I am not asking this question arrogantly. I am putting it in a very very humble way to plead with you and to urge upon you to join the Committee.

SHRI K. MOHANAN: We have already responded to those questions.

SHRI SHIVRAJ PATIL: Madam, an honourable Member from this side, in a very poetic way, in poetic Urdu or Hindi, I think, said:

समिति अगर न बनाओ तो शोर समिति बनाओ तो मातम।

Well, let this kind of an impression not go outside the House. Now, please join the Committee. This is what I want to say. Having said this much, Madam, I want to go to other point.

SHRI V. GOPALSAMY: What about Win Chaddha? We asked many questions about Win Chaddha... (*Interruptions*).

SHRI SHIVRAJ PATIL: I will come to that.

Madam, according to me, they have put a very valid question. I am not going to quarrel with them. With the knowledge and with the information which is available at my disposal, I am trying to meet their points. The

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valid point which they have made is this: Is this Committee having sufficient powers? This is a valid question. If this is not having sufficient powers, what is the use of having this Committee? Why are we having this Committee then? It is better not to have this Committee. Now, this is the point that they are making and I am duty-bound to answer this question.

Mr. Aurora is patiently hearing what I am saying and if he has any objection to the statements I am making, I will yield and he can put questions and I will reply. I am saying it because I am starting with his own quotation. Gen. Aurora says: "Are you ready to give the Committee the sovereign authority? I am using the word "sovereign" in the generic sense and not in the legal sense" "Are you going to give the Committee the sovereign authority so that it can make its own rules, so that it can have total and unfettered power to get information, to call upon anybody to give evidence. If this is ensured, I am sure the opposition would be delighted to join the Committee and find out the truth." It is a very very forthright statement. Nobody will quarrel with it. Those who value the argument and the debate in the House are duty-bound to answer this question. The questions raised are: Is this Committee entitled to call for witnesses? Is this Committee entitled to get the documents it requires? Is this Committee able to travel to foreign countries, if the need arises? Is this Committee going to get expert assistance and advice from the Government machinery? These are some of the questions which have to be answered and I would like to answer each one of them by quoting the Motion itself, by quoting the rules and by quoting other documents also.

Madam, I would like to have the indulgence of this House when I read a few of the clauses in the Motion itself. I am going to read Clauses 5, 6, 7, 8 and 9 of the Motion moved by this Government. Clause 5 reads:

> "That the Comptroller and Attorney General of India will provide assistance to the Committee, as necessary."

Therefore, the Comptroller and Auditor General will provide the legal expertise in the field of accounting and auditing. This will be available to them.

> "The investigating agencies of the Government of India shall render such assistance to the Committee as may be required by it for the purpose of its enquiry."

Therefore, the Committee has unfettered rights. There is no limitation put on it. The Committee has to ask for assistance from the investigating agencies and that assistance will be given to them.

> "The Committee shall have the powers to ask for and receive evidence, oral or documentary, from foreign nationals or agencies, provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purpose of the Committee, the question shall be referred to the Speaker, whose decision shall be final."

SHRI PARVATHANENI UPENDRA: Why can't the Committee decide? Why can't the Chairman decide?

SHRI SHIVRAJ PATIL: I am coming to it. That is a valid point and I am duty-bound to explain it.

SHRI DIPEN GHOSH: When you want to get at truth and when you want that the Committee should function, you give that power to the Committee.

THE DEPUTY CHAIRMAN: Mr. Ghosh, you said that you won't interrupt. Now you have started interrupting.

SHRI SHIVRAJ PATIL: There are two points in this clause. One point is that you can ask for oral and documentary evidence from the Indian citizens. You can also ask for oral and documentary evidence from foreign nationals. When a controversy arises and some of you say that this kind of evidence has to be taken and others says that this kind of evidence is not to be taken, then who decides? Also, when you are going to get evidence especially from foreign citizens or when you are going to get documents from foreign countries or when you are going to call witnesses from foreign countries, your writ may not run there.

SHRI PARVATHANENI UPENDRA: How can the Speaker help us on that?

SHRI SHIVRAJ PATIL: I will come to that, Mr. Ghosh. I did not interrupt you. If I do not take up that point, then you can ask me. I will explain.

The point that I am trying to make is that you have to protect the dignity of the Committee, you have to protect the dignity of this House. And if you are recording the evidence of some foreign nationals, with what intention they are coming, what kind of evidence is going to be there, whether reliance should be placed on it or not, what is the kind of law which will be applicable, what private law, public law, national law and international law will be applicable, and so many complicated issues will be there. The legal expertise will help you as well as the Speaker also will help you *(Interruptions)*

SHRI DIPEN GHOSH: But why? Don't you think the collective wisdom of the Committee will be better than the individual wisdom?

SHRI PARVATHANENI UPENDRA: Is the collective wisdom of 30 not superior to one man?

SHRI SHIVRAJ PATIL: I will explain to you. Please bear with me for some time. I will explain to you. In India also, if you go to a court of law—the hon. former Judge will bear me out—if the lawyer of a party wants some documents to be produced and the other side says that this document cannot be produced... *(Interruptions)*

SHRI DIPEN GHOSH: Here the Committee will decide. It is the collective wisdom.

SHRI SHIVRAJ PATIL: Having finished, I will sit here and I will reply to all of your questions. But please do not interrupt me. I am saying that when a doubt arises whether a particular document is admissible or not, whether the public interest will be served or it will be prejudicial to produce that public document in a court of law, whether the evidence of somebody has to be recorded or not, in a court of law it is the Judge who decides and in the Parliament it is the Speaker who decides it. *(Interruptions)*

SHRI DIPEN GHOSH: No, no. It is the House that decides.

SHRI PARVATHANENI UPENDRA: This is a Joint Select Committee.

SHRI SHIVRAJ PATIL: The House as such cannot sit here for all the time and that is why this House has delegated that authority to the Speaker to decide.

SHRI DIPEN GHOSH: The Joint Committee will confront all those issues. The Joint Committee collectively in their wisdom will decide. Your Members will also be there.

SHRI SHIVRAJ PATIL: I am going to speak about the Speaker's authority fully and separately. I am going to quote the rules. But here... *(Interruptions)* I will reply to all your questions. If I do not reply, you can blame me.

SHRI P. BABUL REDDY (Andhra Pradesh): If there is a difference of

[Shri P. Babal Reddy]

opinion, in the Committee they decide it by majority. They do not refer to the Speaker.

SHRI SHIVRAJ PATIL: If any document is a secret document, if that document cannot be produced, then that decision is not taken by the Committee but by the Speaker as it is done by the Judge in a court of law. You know it better. Who knows better than you about all these things? (*Interruptions*) Then Clause 8, Madam. If the Committee wish to nominate a sub-committee to visit a foreign country for specified purposes connected with the enquiry... It is about foreign clause. I will skip it. But Clause 9 is very important.

SHRI PARVATHANENI UPENDRA: Why do you skip it? Yesterday Chaturanan Mishraji asked if the sub-committee cannot hold sittings and record evidence तो क्या उसे प्वाइंट साफ करने आएंगे।

You reply to that point.

SHRI SHIVRAJ PATIL: Mr. Upendra, I am going to speak about the authority of the Speaker vis-a-vis your Committee. And when I am dealing with it, I will deal with this point also. I do not like to repeat these things. I am coming to Clause...

श्री चतुरानन मिश्र : उपसभापति महोदय, हम लोगों में से कोई भी सदस्य हो चाहे इस पक्ष का हो या उस पक्ष का हो स्पीकर की अथार्टी को चैलेंज नहीं कर सकता। ऐसे चैलेंज करेंगे तो हमें अपने आपको चैलेंज करना पड़ेगा। अब प्रश्न यह है कि जब आपने एक ऐसी कमेटी बनाई है जो अभी तक ऐसी कमेटी नहीं बनी और आप विपक्ष का भी उसमें सहयोग चाहते हैं तो इस छोटे से मसले पर क्या एकमत नहीं हो सकते हैं। इसी पर हम लोग यहां एजीटेटिड हैं।

जो आपने कहा कमेटी का बहुत बड़ा अधिकार है यह रेस्ट्रिक्टेड कर देते हैं तो थोड़ा हमारी बात को सुन लीजिए और नहीं तो अपना भैंसा अपनी कुल्हाड़ी से न काटिए ... **(व्यवधान)**

श्री शिवराज पाटिल : आपकी बात बहुत मौलिक है। उसको ध्यान में रखूंगा और जब मैं स्पीकर के पास आ जाऊंगा तो उत्तर देने की कोशिश करूंगा और उस वक्त नहीं दिया तो थोड़ा सा उठकर रिमाइंड करा दीजिए मैं उत्तर दे दूंगा।

श्री के० सी० पंत : क्या मिश्रा जी की बात से यह समझूं कि स्पीकर के अलावा और कोई प्रश्न नहीं है आपके पास सब सहमत हैं। केवल एक ही प्रश्न है जो आपको रोक रहा है ... **(व्यवधान)**

SHRI DIPEN GHOSH: We have got our amendments.

SHRI SHIVRAJ PATIL: I am coming to your amendments also.

SHRI DIPEN GHOSH: You can come point by point.

SHRI SHIVRAJ PATIL: Yes, I will.

उपसभापति : इस तरह से कोई बहस नहीं हो सकती है न कोई जवाब दिया जा सकता है। एक-एक लफ्ज पर अगर प्रश्न पूछा जायेगा तो कोई जवाब पूरा नहीं हो सकता है। ऐसा कोई प्रोसीजर आज तक नहीं है। आप कृपा करके मान लीजिए अगर आप सहमत हो सकते हैं अगर आप सहमत नहीं भी हो सकते हैं... **(व्यवधान)**

श्री चतुरानन मिश्र : तो मान रहा हूं उन्होंने प्रश्न किया है।

उपसभापति : ठीक है। उन्होंने यह कहा कि आप बाद में पूछ लेना।

श्री चतुरानन मिश्र : हमने नहीं पूछना है उन्होंने प्रश्न पूछा है। अगर आप जवाब नहीं देने की रूलिंग दें तो मैं बैठ जाता हूं।

उपसभापति : वे बाद में जवाब दे देंगे। आप जरा शांति से बैठ जाइये। ... **व्यवधान**

आप जरा शांति से बैठ जाइये आपके सवालों का जवाब दे रहे हैं ।

श्री चतुरानन मिश्र : हम अपना सवाल पूछ ही नहीं रहे हैं । आप मंत्री महोदय ने पूछा है .. **(व्यवधान)**

SHRI SHIVRAJ PATIL: I am prepared to speak to you outside the House also. Now, Madam, I have it from you that I should not yield and I will not yield. I wanted to respect their feelings.

THE DEPUTY CHAIMAN: You have given enough respect.

SHRI SHIVRAJ PATIL: Now, clause number 9 reads: that in other respects the rules of procedure of this House relating to Parliamentary Committee shall apply with such variations and modifications as the Speaker may make.

The Hon. Members have been asking that you give us what we have asked in our amendment motions. You give us what is there in the rules also and because

मिश्रा जी ने पूछा कि यह एक स्पेशल कमेटी है इसलिए देयर आर स्पेशल राइट्स तो उसका जवाब यहां पर है ।

because in the special committee you gave us some special rights, you give us some special authority, you make some special rules and clause number 9 says: that this rule book will be applicable and rule number 281, rule number 252 and rule number 283 say if the Committee wants to have special procedures for transacting the business you yourself can formulate the rules, you yourself can decide what kind of procedure you should adopt and you can follow this procedure and those rule and you can transact the business. *(Interruptions)* I am reading from this book of rules.

SHRI DIPEN GHOSH: One clarification.

THE DEPUTY CHAIRMAN: I have asked the Minister not to yield. No, no, Dipen Ghosh.

SHRI DIPEN GHOSH: When you want cooperation from us... *(Interruptions)*

THE DEPUTY CHAIRMAN: How can you go on like this?

SHRI DIPEN GHOSH: When you want co-operation from us, we want clarification.

THE DEPUTY CHAIRMAN: Mr. Dipen Ghosh, I have not allowed you. Why are you...

SHRI DIPEN GHOSH: He wants cooperation from the Opposition. The Opposition has to be satisfied.

THE DEPUTY CHAIRMAN: You will never be satisfied. No, no let him complete the reply.

SHRI PARVATHANENI UPENDRA: Madam, one submission. We are not using any unparliamentary language. Members have got genuine doubts. When Members have genuine doubts and we want to be satisfied and we have not rejected the Parliamentary Committee, otherwise we would not have been sitting here, we want to satisfy ourselves with all the points, and when he is prepared to reply, why don't you allow?

SHRI DIPEN GHOSH: Madam, one second. If he can clarify to our satisfaction, we may join the Committee. We want clarification. *(Interruptions)*

SHRI SHIVRAJ PATIL: Mr. Upendra, Mr. Dipen Ghosh, Prof. Lakshmanna: you have the word from me. You note down your doubts and at the end of my speech, you raise your doubts. If I do not explain, I will beg your pardon. If I explain and you are convinced, very good. If you are not convinced I have no objection. You wanted certain rules, certain procedures, certain special things. I am saying that all these things are avail-

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able to you. One point which you are making very cogently is that this Committee is powerless; it is not having the powers which are available to the other Committees. You say that there are no special powers. This is your point. I am trying to tell you that you have all that you want. Let it go to your friends and to the people outside also that this is not a powerless Committee. You can have special powers. You can make special rules. I am reading from the Rules Book. I am not reading from a fiction. (*Interruptions*) Now, rule 281 says:

> "A Committee shall have power to pass resolutions on matters of procedure relating to that Committee for the consideration of the Speaker, who may make such variations in procedure as he may consider necessary."

You pass a Resolution. You say that you want to follow certain procedure, put it before the Speaker, convince him and get it. Again, rule 282:

> "The Committee may with the approval of the Speaker make detailed rules of procedure to supplement the provisions contained in the rules in this Chapter."

Gen. Aurora asked 'Are you making some special rules?'. Mr. Virendra Verma said that this is a special Committee and that it should be governed by special rules. Mr. Upendra wanted to know whether special rules are available. I am reading the provisions from the Rules Book. I am telling you that when this Committee is constituted, you shall not have to depend on the Ministers, you shall not have to depend on the executive. You yourself will be able to make the rules and procedures and you will be able to do that. The only thing you have to do is to consult the Speaker. Rule 283 says:

> "The Speaker may from time to time issue such directions to the Chairman of a Committee as he may consider necessary for regulating its procedure and the organisation of its work."

Therefore, Madam, this is the Rules Book in which everything they want is provided. You can call the witnesses. You can get the documents. You can tour foreign countries. You can make rules for yourself. You can lay down procedures. You can do anything which is sensible in consultation with the Speaker.

SHRI DIPEN GHOSH: Only if you go *via* somebody else.

SHRI SHIVRAJ PATIL: Mr. Dipen Ghosh wanted to know from me whether we are going to make special rules. I have shown him the provision.

SHRI DIPEN GHOSH: What I want, I have given in my amendment.

SHRI SHIVRAJ PATIL: I will read your amendment. We have given you the same thing you have asked.

SHRI DIPEN GHOSH: What is that?

SHRI SHIVRAJ PATIL: This is available in this Book. I have read it out.

SHRI DIPEN GHOSH: You please go through my speech day-before-yesterday.

SHRI SHIVRAJ PATIL: I have gone through it.

SHRI DIPEN GHOSH: You have not quoted it.

SHRI SHIVRAJ PATIL: Madam, even if you mention it in the Motion . . .

SHRI DIPEN GHOSH: Are you accepting my amendment?

SHRI SHIVRAJ PATIL: Even if all things are mentioned specifically in the Motion and still the Members remain unaware of the provisions, how can we help them? The rules are there. Everything is provided therein. Absolutely everything is provided. The only thing is that you have to follow a certain procedure, and by following the procedure, any obstacle, any hurdle, which you will en-

counter in the discharge of your duties can be overcome. You will be able to take decisions by laying down special procedure, by framing special rules. Then, you can do anything you like. This is very difficult. We have all spoken so many things. So many things have appeared in the press. Outside the people are speaking and they are saying that this is a helpless and useless Committee. Why is it being appointed? If we do not appoint a Committee, you ask for the Committee and when we appoint a Committee, you do not join. When you ask for the rules and procedure, it is given to you. How many requests of yours were acceded to by the hon. Defence Minister, by my Government and by my leaders? All your demands are accommodated in this Motion. Apart from that, the rule is there If you read it, you can make use of it, but if you do not read it, how can I help you? If you want some help, if the able lawyers like Shri Babul Reddy and others want some help, we will certainly help you, You will get the necessary help. But you read the book. Things are there. If you do not use them, what can we do? You go on simply saying that this man is corrupt, you damn him. You go on saying that there are no rules. Ever if rules are there, you say that the rules are not there, that this Committee is helpless. And if that is so, what can we do? This is the book and these are the rules, these are the things you wanted and they are here. You tell me, I will give you time after I finish to reply to this point and you convince me that these things are not there.

Madam, there is one more point.

SHRI DIPEN GHOSH: Which Madam are you addressing? This or that Madam.

SHRI SHIVRAJ PATIL: You are a senior Member, you know which Madam I am addressing. Hon Member will not have any doubt about that. If that Madam sits here, I will address her also.

Well, Madam, about Speaker, they have been saying, why do you have the Speaker everywhee? Madam, I would like to read out only one rule which will convince you what the authority of the Speaker is, why the Speaker is necessary. I am speaking to the learned Members, very experienced Members.

THE DEPUTY CHAIRMAN: You please address the Chair.

SHRI SHIVRAJ PATIL: Sometimes I take advice from them, I am referring to a rule when a Parliamentary Committee, not a Committee of this nature, works It has to work in the precincts of this Parliament. It is a part and parcel of the Parliament. So all the sittings have to take place in this Parliament House and even in India, why talk of India, even in Delhi if you want to hold a sitting of a Committee outside the precints of the Parliament, somewhere in Lal Qila or somewhere there, you shall have to take the permission of the Speaker. This is what the rule says. This rule says:

> "The sittings of a Committee shall be held within the pricincts of the Parliament House, and if it becomes necessary to change the place of sitting outside the Parliament House, the matter shall be referred to the Speaker whose decision shall be final."

Madam, this is the rule applicable to the Committee. Because the Committee is part and parcel of this Parliament, Parliament cannot go on sitting anywhere and everywhere it likes. The Committee also cannot go on sitting anywhere and everywhere it likes. If the Committee is constituted and if they are going to go to a foreign country, should they not obtain the permission of the Speaker? If they cannot hold the meeting outside the precincts of this Parliament in Delhi itself, if they cannot go to Bombay or Calcutta without obtaining the permission of the Speaker, should they not obtain permission of the Speaker for going outside the country? What kind of objection can you have? Speaker is the custodian of the powers which you have delegated to him. If the Speaker is impartial, he will be able to work. If the Speaker is not impartial, you will not allow him to work. He is going to be a little inclined towards opposition rather than towards the ruling party. I have seen it. This is my opinion. It may or may not be correct, but it woud be necessary for him to be balanced. I have seen, because the number of the opposition is limited, sometimes more leeway is given to the

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opopsition. The Speaker calls himself your servant, but you do not call him your servant. If you call him your servant, you will be bringing down the dignity of the Chair and not of the person. You call him or her the Chairperson', the custodian of the dignity of this House.

If you do not respect the custodian of the dignity of the House.
5.00 P.M. if you do not have faith and belief in the Ministers, if you do not have faith and belief in the Prime Minister, if you do not have faith and belief in your Speaker, in your Chairman and if you have faith and belief in somebody who is announcing the news from a foreign radio or writing something in the newspapers, is this not something which you should not accept? I can understand you, as Members belonging to the Opposition parties, criticise me as a Minister. Well, it is a part of the game and I will take it as a sportsman. But you cannot criticise the Presiding Officer. The moment you start criticising the Presiding Officer, you are striking at the very foundation on which the parliamentary democracy stands. If the Speakers decision or the Presiding Officer's decision is doubted, then it will not be possible to build the parliamentary democracy or the parliamentary procedure. So my submission is, you do not have objection to it. You can convince the Speaker and I have seen that when you go to the Speaker or the Presiding Officer, when you are putting something before him which is passed by a majority of the Committee, when all of you are of one opinion and are taking this thing to him, if it is not contrary to the Constitution, if it is not contrary to any law, if it is not contrary to specified rules, if it is not contrary to procedure and the conventions which are laid down, the Speaker, in my opinion, is bound to accede to your demand. He is not going to be so insensible to the situation, to the demand; he is not going to just push aside these things. So for God's sake, please do not denigrate the Speaker also.

Now having dealt with the Speaker, I would like to deal with the Ministers and deal with your demand that we allow the Ministers to be summoned before your Committee. I would like to submit, and very humbly, Madam, that Ministers are always, always, always, answerable to your questions. We appear in the House. Every day you ask questions of us. You can put a Call Attention Motion; you can move an Adjournment Motion. Every day, every moment, Ministers are answerable to you, accountable under the Westminster system, under our Consititution, to the representatives of the people in the House. This is the basic principle. I am answerable to the House. You get up and ask questions. I cannot just say that I am not going to answer. I have to answer. I am answerable to you. I may call anything to myself, but I am answerable to you. This is the position in India. This is not the position in the United States of America. In the United States of America, the Secretaries do not appear in the Senate, they do not appear in the House of Representatives. They are not answerable to the elected members of the House of Representative and Senate. They are directly answerable to the President. Secretaries are answerable to the President and the President is directly answerable to the people. They are not answerable in the House. That is why you find Secretaries appearing before the committees. But the position in India, I would like to say, is that the Ministers are always answerable and they appear in the House. But whenever there is a committee, you are senior Members, you must have worked in different committee the Ministers are never, never summoned or called to appear before Parliamentary Committees. What is the reason? I am going to explain the reason.

SHRI D. B. CHANDRE GOWDA: I want one clarification. Are we to get enlightened about procedures from a past Speaker?

SHRI SHIVRAJ PATIL: Madam, I was saying, we have Officers' galery here. There is a boundary. The officers cannot come across that boundary and cannot come to the House. That is the limit within which they have to work and we have to work. Officers are not allowed to appear in the House but they are

allowed to appear before the committee in India under our Constitution, under our provisions, under our procedures. This is not the procedure only in India. You will think that this is the procedure we have formulated ourselves and are following it. This is not so. This is so in Great Britain also, in Westminster system also. In that connection I would like to read from *May's Parliamentary Practice*. On page 697 it reads:

> "When a select committee has the power to send for persons, the powers are unqualified except to the extent that it conflicts with the privileges of the Crown and the members of the House of Lords and with the rights of the members of the House of Commons."

The effect of the qualification is on the members of the House of Commons including the Courts. Of course, many Ministers are not summoned to select committees, but invited to attend. Only an order of the House itself can require a member to attend. Not even a member is allowed to appear. In the Westminster system, a Minister does not appear before the committee. While a Minister is not allowed, if a member has to appear, they have to get permission of the House and only then this is done. Madam, this is the system we are developing.

Let us not jump at things. We are not going to live only with this Committee. Having laid wrong precedents if you are creating difficulties for the system itself, what is the use? Why do you want to have it? You too have your State Governments in the provinces. Supposing there also this kind of problem crops up, how are you going to solve it? The honourable Minister of Defence has gone one step ahead. He has said, he wanted to accommodate all your demands. When you insisted that the Ministers should appear before the Committee, some of the honourable Members asked for the Prime Minister appearing before the Committee, summoning of the Prime Minister. Now, why? The honourable Minister has said why it becomes absolutely necessary. Because we are interested in having this Committee to work, and if the Committee decides or the honourable Speaker decides and the Government permits, the Minister may appear before the Committee. It looks small. It looks small now but that itself may sometimes create difficulties, not only in the Central Government itself but your State Governments also. That is why we are saying, please do not call the Ministers before the Committee.

You have been abusing us, sometimes, in a friendly manner. We don't mind that. Sometimes we are also paying you back in the same coin. You have been asking us so many questions. We are not immune to the questions from you, we are not unexposed to you. We are exposed to you. I am standing here. You can heckle me, you can make me sit down, you can ask me questions. I am exposed. I am exposed to all these Members; I am not exposed only to the 30 Members of the Committee. I am exposed to all of you. When we are making ourselves available in the House to be asked any questions you like, do you think that we would be afraid of appearing before the Committees also? But we do not want to lay down bad precedents. Once you lay down bad precedents, it will live with you for the life that these institutions will exist. That kind of precedents we do not want and that is why we are a little cautious. You are not realizing what kind of difficulties are going to be there in some of the provinces in which you are having your own Governments. Any Minister can be asked to appear before a Committee and any question can be asked.

There are so many things in so many big countries. There are very good things. Sometimes we should accept them, but we should not take one thing from one system and try to fit it into another system. That doesn't help. It doesn't help that country, and it does not help our country also. If it fits, let us have it, but simply because something is done somewhere, let us not ask for it. Nothing is going to come out of it. That is exactly the reason why we said, please do not ask the Ministers to be summoned. If any Minister wants to appear before the Committee, even then

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it would be a wrong precedent because as very ably put forth by our former Supreme Court Judge -- he knows the Constitution better than many of us; at least he knows it better than what I understand—there is the question of joint responsibility, there is the question of secrecy--what he is going to disclose and whom he is going to blame before the Committee. These are very important, pertinent, points. These points cannot be simply overlooked. And it is not possible for us to allow any Minister to be summoned. But we have said, if anybody wants to appear, we will have no objection to it.

Madam, now I come to the Official Secrets Act. These are some of the hurdles, we have been told. And we have read in the newspapers also that one of the hurdles faced by the committee is the Official Secrets Act. I would humbly point out that in the Motion that we have moved before this House nowhere, nowhere, nowhere have we mentioned that the proceedings will be guided by the Official Secret Act. This is absent from our Motion. But you have given four, five, six number of Motions. In each of the Motions you have mentioned that in spite of the Official Secrets Act these documents should be produced.

Why this Official Secrets Act has been enacted, let us find out. The Official Secrets Act has been enacted to see that official secrets are not communicated, passed on to enemies, and if any official secret is passed on to an enemy, well, the man can become punishable. One most important clause in the Official Secrets Act I would like to put before you, says that official secrets are not always uncommunicable. You can communicate, you can pass them on, but you cannot pass it on, any official secret documents or any instrument or any article is not allowed to be passed on, when it is prejudicial to the interest of the nation and the security of the country. This is what it says. All documents classified as secret and confidential are not precluded from being adduced before the committee. Do not be under the impression that every time the Defence Ministry or other Ministries are going to say that we are taking protection under the Official Secrets Act. We are not going to do that. When it is absolutely necessary in the interest of the security of the country and in the interest of the country, we will do that. And that too, our word will not be the final word. The Speaker will decide whether we are trying to hide something. We are giving this authority to a non-partisan personality. We are not giving this authority to a partisan authority. We are alleging things against each other. This authority cannot be used by us. This Official secrets Act is to protect our country, protect the secrets from an enemy, protect the secrets and our documents and our instruments and other articles from being communicated to foreign countries. This is not to prevent you from working.

Why you have brought this Official Secrets Act in each of your Motions, I have failed to understand. I do not know who has drafted your Motions. I am sorry I do not know who has drafted.

SHRI DIPEN GHOSH: Can you show that in the Amendment it has appeared?

SHRI SHIVRAJ PATIL: It may not.

SHRI DIPEN GHOSH: You are replying to the Lok Sabha Amendments, in Rajya Sabha.

SHRI SHIVRAJ PATIL: No, No. Your Amendment, I will read it.

THE DEPUTY CHAIRMAN: There is an Amendment.

SHRI SHIVRAJ PATIL: If you want me to read it, I will. Do you want it? Mr. Dipen Ghosh, you have not read your own Motion. This is the difficulty.

THE MINISTER OF STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND

CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (SHRIMATI MARGARET ALVA): Somebody else has drafted. He has not read it.

SHRI SHIVRAJ PATIL: My humble submission is: Please do not present this case to the outside world that we want to have the Official Secrets Act and we want to preclude the documents from being adduced before the committee. That is not the case. These are the points I am trying to make before you.

These are not real hurdles. If you have the will to arrive at the reality, if you want to find out the truth, you are strong enough mentally and physically to get at it. You can do so. But, if you want to make use of this situation for some political gains, well, I have no answer. Mr. Dipen Ghosh, I will not read it. It is there; please read it yourself.

SHRI PARVATHANENI UPENDRA: Yes, it is there.

SHRI SHIVRAJ PATIL: Please, for God's sake, don't think that the Official Secrets Act... O.K. I will read it out.

In Clause 3 at page 3, you have said:

"Substitute the following:

That the Government shall render such assistance to the Committee as may be required by the Committee for the purpose, including production of files, papers and other documents" notwithstanding the Official Secrets Act.

SHRI DIPEN GHOSH: Notwithstanding.

SHRI SHIVRAJ PATIL: Yes. Why have you to mention it? Why do you think that it is going to be a hurdle?

SHRI DIPEN GHOSH: If you feel in your conception the Official Secrets Act does not come in the way, then why do you oppose?

SHRI SHIVRAJ PATIL: I am not opposing it. But I am not for the redundancies to go in the Motions. Do you think that by passing a motion in this House and in the Lok Sabha that notwithstanding the Official Secrets Act, the Official Secrets Act will be done away with? It is not possible. Your motion in this House or in the other House is not a substitute to the Statute. It is not. That is why if you mention it in your motion, it is a redundancy.

I was trying to mention the second point on the Official Secrets Act that if you have it or don't have it, it is going to be meaningless, it is going to be superfluous, it is going to be redundant, it is going to be, well I would not say, childish. It is *ultra vires* of the Constitution also. Constitutional protection is there. Please do not think that I am trying to denigrate anybody, but there are provisions in the motion which we had to give; we would not have given so many provisions in that. You wanted quorum should be one-third. Well, it is there in the Rule book. It is not necessary, but you wanted. Well, we gave it. You wanted that the Speaker should appoint the Chairman. We thought that it was not necessary. But you wanted it and we gave it to you. We said, let there be 21 Members. You were ready for ten members. Some members were ready for six, some were ready for twelve. We had given 21 members. You wanted 30 members; we gave you 30 members. One of the Members said, let the scope of this Committee be wide enough. We have been saying that we cannot have a roving inquiry. You say that your motions are not for roving inquiry. What you have said in your motions? In your motions you have said that policies, practices, procedures and decisions to acquire the instruments and weapons from 1980 upto this time will be examined by this Committee. What does it mean when you say decisions to acquire weapons and equipment, each and every transaction from 1980 will be examined by you? And if you are going to examine the procedures from 1980, why from 1980? Why not from 1977? Why not from some other date? Why from 1980? Why that date is sacrosanct? You are wanting that roving inquiry should be there. We are

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saying that this kind of roving inquiry is not going to help. We are saying that you focus your attention and you also wanted the Bofors should be focussed. We are not ready for inquiry, because we had thought, that there was no *prima facie* evidence. There was not an iota of evidence we had thought. But when the report of the Audit Bureau came in our hands and when we found that the report says that some payments have been made, we said, well, this is the iota of evidence. So, let us have this committee. Now the job is to find out who received the money. You find it out. We are not saying we in the executive are incapable of finding it out. We could have done that. We are not denying our responsibility, we are not shirking our responsibility. But you wanted that it should be an impartial inquiry. You wanted yourself to sit in the Committee and judge us. It is said that judge not, that you be not judged. Now, that is what is said generally, but you wanted to judge us. We said, all right, you judge us. Sit in the Committee. And when the Committee comes to you, you say you do not want to sit in it. This is what we do not want. (*Interruptions*) Well, if you have any intelligent point, I will answer, Madam.

SHRI PARVATHANENI UPENDRA: Madam, I want some clarifications.

SHRI V. GOPALSAMY: He has not said anything about Mr. Win Chadha. (*Interruptions*).

THE DEPUTY CHAIRMAN: Mr. Minister have you finished your reply?

SHRI SHIVRAJ PATIL: No. I have to deal with some more points. (*Interruptions*).

THE DEPUTY CHAIRMAN: He has not finished.

SHRI SHIVRAJ PATIL: Madam, it was said that Mr. Bredin had come here, who is the Vice-President of the Bofors Company, and went back. We saw some news in the newspaper saying that they wanted to bring a delegation to give the information but the Government did not want it. Some Members wanted to know what is the position, and asked me to explain it. I will try to explain it. We do not feel helpless ourselves. But we cannot immediately compel anybody to get the information. Now we had asked for certain information and the information we had asked for is about the commissions paid which has been mentioned in Audit Report. We wanted to know who are the recipients of the commission. That is the information we wanted when we found that the information was not coming to us in writing, but they wanted to convey that information orally, we thought it is not wise to have it at that point of time. At that point of time we were thinking of constituting this Committee. There was a proposal for constitution of the Committee. Even long back this Committee was to come into existence. Now if information is given to some of us or to the officers in the Ministry orally and then confidentially anybody can say that you got the information but you are not disclosing and anybody can say that you got names but you are not disclosing. We did not want to create that kind of thing. We wanted that if the company was ready to give the information confidentially or otherwise in writing or orally, let them come before the Committee and give it when it comes into existence. Let them give the information to the Committee. In the Committee Members belonging to different parties would be sitting and there would be less opportunity for misunderstanding and creation of confusion. That is why this reasoning was followed. If you want to give any information you please give it to the Committee. (*Interruptions*).

SHRI LAL K. ADVANI: Madam Deputy Chairman, this is a very crucial question because Mr. Bredin came here on the 3rd July which was Friday and according to the reports or whatever information we have been able to gather the Defence Ministry officials were not satisfied with Mr. Bredin's reply and the Defence Ministry officials wanted full informations in respect of the Audit Bureau report's revelations and Mr.

Bredin has said that a high powered delegation can come from Bofors on Monday on the 6th of July and this meeting was finalised. On the 6th July these gentlemen were to reach here and continue another round with the Defence Ministry. In between what happened? On the 4th July a message went to Stockholm that this Bofors delegation need not come. What is the reason for this? If the only reason is this that the Parliamentary Committee was being constituted and whatever information was to be given to that Parliamentary Committee, then, it does not carry conviction. (*Interruptions*)

SHRI V. GOPALSAMY: What for you have rejected the offer?

SHRI LAL K. ADVANI: I have not related Mr. Arun Singh's resignation to that. But according to the press reports it is this thing that precipitated that resignation.

SHRI SHIVRAJ PATIL: Please, for God's sake, don't try to create this kind of things. Mr. Arun Singhji who is sitting there is indicating to you that this is not correct. Please don't do that.

SHRI V. GOPALSAMY: Mr. Minister I have asked a specific question: Whether there was any offer by Mr. Bredin that a Bofors delegation would visit India? If so why that offer was rejected and for what reasons? That was the specific question. (*Interruptions*)

SHRI SHIVRAJ PATIL: I am going to answer that. Madam they had come here. We had wanted the information. They had not given the information and there was no convincing indication also that having come here in the delegation they would give us the information. (*Interruptions*) We said, give us the information in writing and if you are not going to give us the information in writing, well, we do not want information which can create confusion. If they had come here, if they had said something, you would have asked some different questions (*Interruptions*).

SHRI PARVATHANENI UPENDRA: Mr Minister, would anybody believe this cock and bull story?

SHRI SHIVRAJ PATIL: It is not a cock and bull story. Please let me finish. I am not yielding. (*Interruptions*). Madam, I am trying to say that those people who wanted to come here, who wanted to give information, they can come here again and they can give the information to the Committee. What wrong has taken place? I don't understand. You use this instrument to malign us. We wanted to be a little extra cautious. We wanted the information. The information was not given in writing. Some times, confidentiality was claimed. We said, no, it does not help us. Now, here is a Committee. Opposition Members, you hear them. We are not saying to them that you do not appear before it. Please, for God sake, don't use it to hit the Government and our other colleagues also. This is not correct. This is not fair. This should not be done.

Now, I come to the cancellation of the contract.

(*Interruptions*)

THE DEPUTY CHAIRMAN: Mr. Lakshmanna, without any permission of the Chair, you are asking questions. Let him complete his reply first.

SHRI SHIVRAJ PATIL: Madam, it was very very ably, cogently, authentically and with full force answered by my senior colleague Shri K. C. Pant ji in the Lower House, some hon. Members say, cancel the contract In one of the motions also, it is mentioned. What happens if the contract is cancelled? Let us understand. We are a responsible Government. We are not working only for today. We have to see what happens after one year, two years, ten years or twenty years. We are working for the future also. We are planning for the future. What will happen if this contact is cancelled? Let us understand it. The countries in the neighbourhood have the weapons of this nature in their armoury and if something happens unfortunately, would you like our forces to become

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more vulnerable simply because you are alleging something against the Government? Simply because you are maligning me, should I sacrifice the interest of the security and sovereignty and the territory of my country? That is the question. Secondly, Madam, I have given the facts and figures about these contracts at the beginning itself and there was a point in giving dates and years. I had said that in 1977, steps were taken to acquire these guns but the contract was signed in 1986. Nine years had elapsed in between. For nine years, we have waited for these guns and having entered into a contract, if we cancel it, we would be required to wait for a pretty long time again. Would you ask us to wait for a pretty long time and make our forces vulnerable? One gentleman said, why don't you get it from some other country? The other Member said, it is not paan or beedi which you can get from anywhere. If we have to cancel it, we have to enter into another contract and if we had to enter into another contract, we will be required to go through the entire drill as such. If we commit mistakes, again complaints can be launched against us. We can be damned. Anybody can suggest anything against us because the procedure is not followed and to follow the procedure, it takes time and following the procedure in a contract of this nature means our country, our Armed Forces, have to wait for long, having cancelled the contract. Something has happened somewhere. It is not authenticated and Madam, the news is not coming from the soil of this country. It is not ciming from India. All the time the news is coming from outside. Why is it coming from outside? And why do you want us to cancel the contract when the news is coming from outside? Why don't you try to understand it? Are we not responsible people? Ask those gentlemen who are sitting on the other side. Privately they will tell you, because they are patriots, that this has to be done. But publicly they talk this because it is not their responsibility either to cancel the contract or to have it. We cannot do that. We will not do that. We will not stake the security of our country simply because somebody is making some allegation against us. Madam, again, is it going to be helpful? Let us try to understand that if it is going to be helpful. You say some fifty crores are involved. Somebody says ten crores; somebody says fifty crores; somebody has gone to the extent of saying one hundred and twenty crores are involved. I do not know what is involved in it. I will ask you one question. If you cancel the contract, are you going to be reimbursed? Are you going to make good the loss? Are you going to get anything out of it? (*Interruptions*) Simply by cancelling the contract, you will not be able to do that. Where is your justification for cancelling the contract? (*Interruptions*).

If you have to get the guns... (*Interruptions*). Madam, if you have to get the guns, you have to get the guns from someone else. If you enter into a contract now, if you initiate a contract now, will the price be the same? What would you be required to pay for them? Are you required to pay more or are you required to pay less? Is this not a point which should be considered by the Government while taking a decision? We cannot sacrifice honour. We cannot sacrifice our honour; we cannot sacrifice our money; we cannot sacrifice our security just because somebody alleges something against us. No wise Government or no country will do this kind of a thing. If you have to take a decision, you have to weigh everything in your hand and do that. What can be done in this matter will be carefully considered by all the responsible persons and that will be done which is in the best interest of the country, best interests of the forces and in the best interests of our finance. We will take a decision. We cannot just cancel the contract. We are not going to blame anybody else simply because something has appeared in one or two lines. Let there be proof of anything having happened and we will take action, proper action, against anybody in the country and if it is necessary, we shall have to take proper action outside. But don't ask us to cancel the contract simply

because you want it. I come to the amendments. (*Interruptions*)

SHRI V. GOPALSAMY: Madam Deputy Chairman, I am on a point of order, I will take only one minute. Our hon. Minister just now stated that he is answerable to the Parliament, to the Members of Parliament. I did put a specific question. When the Prime Minister informed the Leader of the Opposition that a case has been registered against Mr. Win Chadha, on June 17 he made a statement to the Opposition Leaders, on June 29 Win Chadha entered the Consul's Office in New York, Indian Consul, and got the power of attorney. I ask a specific question: How did it happen? With your connivance he disappeared from India. I want to ask whether the Indian Consulate is run by Indian Government or any other Government. That is the question. How did it happen? You did not answer that question.

SHRI SHIVRAJ PATIL: Madam, I will not take more time. I will try to conclude my speech very briefly. I do not think it is necessary for me to read out the motions given by honourable Members....

SHRI V. GOPALSAMY: You did not answer my question. You said you are answerable to Parliament. Then you answer my question.

SHRI SHIVRAJ PATIL: I am coming to that. Wait for some time.

Madam, I am not going to refer to or read the motions. What I was trying to say was, firstly, my learned friend, my dear very learned friend, Mr. Jaswant Singh, who has been getting up and asking the question and I pomise him that immediately after going out of this House I will try to answer his question....

SHRI JASWANT SINGH: Why outside the House?

SHRI SHIVRAJ PATIL: My learned friend has given three motions and all the three motions are contradictory to each other....

SHRI JASWANT SINGH: But why outside the House? Why don't you answer us here inside the House.

THE DEPUTY CHAIRMAN: He is answering in the House itself.

SHRI SHIVRAJ PATIL: He has given three motions. Is it allowed? One with Vajpayeeji, one with Advaniji and Mr. Jaswant Singh and others, and Mr. Jaswant Singh signs all the motions and all the motions are contradictory to each other. What is it he is doing? In one motion he said you pass a resolution and you send it to the Swedish Government and ask them to take action. You pass a resolution and send it to the Bofors Company and do it. Then he says this committee is not required, it is going to be useless, don't have it. You pass a resolution and send it to the Swedish Government as if a resolution passed in this august House, in this Parliament, is going to be binding on them, on the Swedish Government. Then, why do you have this committee, it is useless, it is not necessary. Look at the contradictions. If you pass a resolution here and send it to the Swedish Government, would it be binding on them? Would they not also feel offended? It may or it may not be taken in good spirit. I am leaving that point. He has some views, sincerely probably, and he is entitled to have them; I will respect them. I will say that he is intending and is trying to be effective in getting information, but look at the contradictions in the motions. In these motions which have been moved by many of the Members there are three points which have been made. These three points are: allow us to get the witnesses, allow us to have the witnesses before us, allow us to have the documents before us and allow us to go to foreign countries. All these things have been mentioned in the Government Motion itself. It is not necessary for you to mention these things again in your motion It is redundant, it is superfluous, it is not necessary, and by giving a motion and saying, allow us to take evidence, allow us to have documents, etc. you might be making some points but all those who have read these papers will not be influenced by it. They will say this is some kind of a gimmick, this is some kind of a trick, this is some kind of politics. you are telling the people outside that we do not have any power, we cannot examine witnesses, we cannot have documents, we cannot go to foreign

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countries. This is not true. I repeat, this is not true. This is mentioned in our motion itself, this is mentioned in the book. If anybody says contrary to this, he is at liberty to do so when I sit down.

The last point which I would like to make is this. Why is this happening in our country? Some things have come to the surface and we have seen and some things have been started and information for all these things is coming from abroad. The timing is very important. When we have disturbances in some of our provinces, in some of our States, when Constitutional problems arise, when in the neighbouring countries things are happening, these things coincide with this. Are we not in a position to read why this is happening? And, Madam the intention is to say and allege certain things against my leader and against my Prime Minister. You say so many things against him and when he keeps quiet... (*Interruptions*)... ... you say that he is keeping quiet and he is not denying it. When he denies it, you say that he has denied it! This is how you want to eat the cake and have it too and you want to blow hot and hold at one and the same time. This is uncharitable to say the least. This game is not good and it is not going to do any good and this is not going to be in the interest of the country and this is not going to be in the interest of anybody. This game can be played against anybody else. So, let us not do this. Madam, my submission is that by this thing, those people -- I am not saying friends there are doing, but those people who are wanting to do it -- are not going to achieve anything at all. We are fully confident that by such gimmicks they are not going to achieve anything. The stand taken by my leader, the stand taken by my Government, is that we are not involved in it and the stand taken by my Government is: you please inquire, yourself. We are not inquiring because if we inquire, you will say that we have committed mistakes. You yourself inquire and give us the convincing truth and justice will be done and appropriate action will be taken. This is what we have done.

At the end, Madam, about Mr. Win Chaddha, information came here and that information was passed on to the relevant Department and the relevant Department has taekn action against him. But full information is not in my possession. I can tell you that action to impound his Passport, action to proceed aaginst his property, action to proceed against him, have been taken. This is the information I have with me. More information I am not having... (*Interruptions*).

Madam, I would like to thank all the Members for having heard me... (*Interruptions*)... Only one point, Madam.

Madam, I really feel grateful to all my friends from the Opposition and also from this side for having given me the opportunity, may be a boring opportunity, to make a boring speech, before you... (*Interruptions*) Madam, one more thing.

Madam, we have received a letter from Bofors and that Bofors Company letter.. (*Interruptions*)...

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): Will the honourable Minister of State--the Defence Minister is also here--divulge the contents of that letter? What is the latest position? ...(*Interruptions*)...

SHRI SHIVRAJ PATIL: I will do it if it is in the fitness of things. (*Interruptions*).

SHRI K. C. PANT: It is for the House to decide, because the Committee will now be set up and I do not know whether it is more approporiate for the Committee to look into the paper. Or, if you want me to reply, if you want me to tell you about the letter, I have nothing to hide. I have nothing absolutely to hide. In any case, you want to get at the truth and this is the joint exercise and in that we want the co-operation of the friends opposite and we want to persuade them even at this stage. Therefore, I would have no objection. But the only thing is whether that should be done now at this stage when the Parliamentary Committee is about to be set up and it is something for you to consider.

SHRI DIPEN GHOSH: Madam Deputy Chairman.... (*Interruption*).

SHRI GHULAM RASOOL MATTO: यह बहुत महत्वपूर्ण मामला है जो मैंने उठाया है। (व्यवधान)

Madam, Mr. Shivraj Patil has stated, while concluding his speech, that a letter has been received. I wish he had not said this. If his intention was to consign it to the Committee he should not have said that. Once having said that, he should take the House into confidence and divulge it.... (*Interruptions*).

SHRI V. GOPALSAMY: Bofors Company has committed many frauds.... (*Interruptions*)

SHRI K. C. PANT Madam, the reason why he gave this information to the House is that when I was replying to the debate in the other House, I had mentioned that we have received an interim reply from Bofors. They have asked for some more time and a final reply would be sent by them. We have received this reply and I feel that the Government is duty-bound to give this information to the House. That is why the Government gave this information. If you want, I have no objection in reading the letter. It says:

"Ministry of Defence, etc. etc.

Reference your letter, etc. etc.

During spring 1987, a question was raised whether Bofors had used middle men, etc. to win the FH-77 B contract. We have, in response to these allegations, in letters to the Government of India and in public through the news media, repeatedly and firmly stated that the negotiations with Inida were carried out directly by Bofors. We emphasise that Bofors has not paid or conspired to pay any bribes or used any middlemen to win the contract. In order not to risk to come into conflict with the request of the Government of India not to use any middlemen, (I repeat) In order not to risk to come into conflict with the request of the Government of India not to use any middlemen, etc. Bofors further terminated international consultancy agreement signed long before the commencement of FH-77B contract negotiations. These agreements are thus not related to winning of the FH-77B contract. Secondly, the termination costs would have to be paid also if Bofors had not been awarded the contract. Further, the total amount of the termination cost is not related to the contract value."

I am not interpreting it in any way. I am just reading it out.

"As Bofors has conducted their business for over hundred years in conformity with certain basic principles and practices...." (*Interruptions*).

Are you not intereted?

"As Bofors has conducted their business for over hundred years in confirmity with certain basic principles and practices, amongst which commercial secrecy has a very important place, we regret our inability to deviate from these basic principles and practices and sincerely hope that you will appreciate and accept the reasons for our inability."

Those Members who spoke of Mr. Bredin's visit and had some doubt about his hesitation to give us this information, may please take note of what they have said.

"We would, however, like to restate that the termination costs were not paid to any Indian citizen or Indian company, consequently including any member of the Indian Government and any other Government official. We regret the inconvenience to those parties who have falsely been alleged in the news media. We once again want to underline that Bofors won the contract in direct international competition and as a result of direct negotiations with the Government of India without involving any middlemen, etc. We further confirm that the said ter-

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mination costs had no effect or influence on the total value of the contract. It is important to stress the fact that India indeed is treated by Bofors as most favoured customer which means that the final prices in the contract are lower than comparable prices offered to any other customers."

SHRI K. MOANAN: Very cleverly said.

SHRI K. C . PANT: What comes next is perhaps very important from the point of view of the functioning of the Parliamentary Committee. So, I would request you to please pay attention to it.

"We have learnt that a Parliamentary Committee is in the process of being appointed and we will, of course, extend our cooperation to the Committee."

Now, this, I hope, removes one of the psychological hurdles in the minds of the Opposition because... (*Interruptions*)... we remain, as always, at your disposal. And now if the Opposition does not join the Committee, Madam, they will be running away from their responsibility.

SHRI PARVATHANENI UPENDRA: Madam, I have to seek some clarifications.

श्री वीरेन्द्र वर्मा : माननीया, आपने मुझे एक क्लैरिफिकेशन पूछने के लिए आज्ञा प्रदान की थी। माननीय रक्षा मंत्री जी यह बताने की कृपा करेंगे कि मैंने अपनी स्पीच में कहा था कि सन् 1980 ईसवी में तत्कालीन प्रधान मंत्री श्रीमती इंदिरा गांधी जी ने यह निश्चय किया था कि सारे जो इस प्रकार के एग्रीमेंट्स होंगे, उन में कोई एजेंट नहीं होगा या कोई कमीशन नहीं दिया जाएगा। हिन्दुस्तान और स्वीडन के प्रधान मंत्रियों की दिसम्बर, 1985 और जनवरी, 1986 में भी यह अंडरस्टेंडिंग हो गयी थी कि कोई कमीशन नहीं दिया जाएगा। तो मैं आपसे यह जानना चाहता हूं कि 23 मार्च, 1986 ईसवी में जो आपका एग्रीमेंट हुआ बोफोर्स कंपनी से उसमें क्या स्पेसिफिकली आपने प्रधान मंत्रीयों के निश्चय के अनुसार कोई क्लाज लिखा था कि किसी प्रकार का कोई कमीशन और कोई एजेंट बीच में नहीं होगा। एक बात तो मैं यह जानना चाहता हूं। दूसरी बात यह जानना चाहता हूं कि आपने यह कहा है कि देश के हित में, डिफेंस के हित में हम उस एग्रीमेंट को कैंसिल नहीं कर सकते थे। मैं मान्यवर आपसे यह जानना चाहता हूं कि जब स्वीडन की नेशनल आडिट ब्यूरो ने आपको यह सूचना दी कि 50 करोड़ का कमीशन दिया गया। लेकिन कुछ और बातें यह कह दीं कि उसमें ट्रेड सीक्रेट्स हैं और वह हम नहीं बता सकते। तो जब इधर की तरफ से यह आब्जेक्शन उठा था कि आप कैंसिल करें तो आप खुल्लमखुल्ला यह ऐलान नहीं करते कि हम कैंसिल नहीं कर सकते और कानून भी आपका वैसा था। आप कह देते कि हम आपके प्रपोजल पर विचार करेंगे जिससे कि आपको यह सब सूचनाएं मिल जातीं।

श्री शिवराज पाटिल : मेडम, मैं यह कहना चाहूंगा कि 1986 में हमारा जो एग्रीमेंट हुआ है उसमें कोई एजेंट रखने या न रखने की बात नहीं लिखी गयी है। मगर हमारे रक्षा सचिव ने कांट्रेक्ट होने के पहले जो लोग कांट्रेक्ट करने के लिए हमारे पास आए थे उनको बड़े ही साफ ढंग से बताया था लिखित रूप से, पत्र के के रूप से कि हम इस प्रकार के डील, में, एग्रीमेंट में कोई मिडिल मेन नहीं चाहते हैं। अगर कोई मिडिल मेन होगा और हमारी दृष्टि में वह चीज आएगी तो हम आप को डिसक्वालिफाइड करेंगे और आपके साथ कांट्रेक्ट नहीं करेंगे। उसके पश्चात् बोफोर्स कंपनी ने स्पष्ट रूप से, लिखित रूप से पत्र के द्वारा हमारी गवर्नमेंट को यह बताया था कि इस डील के अंदर कोई बिचौलिया नहीं है, एजेंट नहीं है। यह स्पष्ट रूप से बताया गया था। एक तरफ तो एग्रीमेंट में कुछ चीज नहीं है, मगर लिखित रूप में यह होने की वजह से यह चीज उनके ऊपर बंधनकारी है। यह दूसरे तरीके से हो सकती है। कानूनी बात है। उसकी बहस में मैं

नहीं जाना चाहूंगा। दूसरा प्रश्न आपका था कि आपने कह दिया कि कांट्रेक्ट हम कैंसिल नहीं करेंगे। देखिए मैं आपको एक बात बताना चाहता हूं। यह मैं इसलिए नहीं बता रहा हूं कि मुझे आपने कहा इसलिए उसका मुंहतोड़ जवाब देना चाहिए और आपकी बात को नीचे गिराना चाहिए। यह मेरा उद्देश्य नहीं है। मगर इस देश में और हमारे जैसे देशों में यह अनुभव किया जाता है कि जब भी कोई हम बड़ा चीज करने जाते हैं, किसी चीज को माडर्नाइज करने जाते हैं चाहे आर्मी का हो, नेवी का हो, एयर फोर्स का हो या इंडस्ट्री का हो या एग्रीकल्चर का हो या कोई नेशनल प्रोजेक्ट का हो, अनुभव ऐसा आता है कि कहीं से कुछ चीज हो जाती है जब कि वह चीज न हो इस प्रकार का प्रयत्न किया जाता है। अगर हम मजबूती से उस चीज को करने की कोशिश करें और आगे जायें तो यह कोशिश होती है कि उस चीज में जल्दी न हो। चार साल लगने हों तो 10 साल में वह काम करने की कोशिश की जाती है।

श्री वीरेन्द्र वर्मा: चुप रह जाते।

श्री शिवराज पाटिल: उसके बाद भी ऐसी कुछ चीजें की जाती हैं या कराई जाती हैं जिस आदमी ने वह चीज कराई है उसकी जिन्दगी जीना मुश्किल किया जाता। उसको ऐसा लगता है कि मैंने क्या किया। यह करके उस आदमी का धैर्य, कांफीडेंस जो होता है वह शैल्टर किया जाता है। यह चीज करने के लिए अपनी लाइब्रेरी में बैठकर, पुस्तकालय में बैठकर, घर में बैठकर, सोच कर थ्योरीज बना कर इस तरह से हम को कंट्रोल करने की कोशिश करते हैं। हम यह चीज नहीं होने देना चाहते। इसका असर हमारे सोल्जर्स पर पड़ता है, हमारे अफसर्स पर पड़ता है।

आपका एक सवाल है कि यह करने से आपने एक मौका गवां दिया, एक हथियार गवां दिया जिसकी मदद से आप इन्फरमेशन ले सकते थे। आप ऐसा न समझिये कि गवर्नमेंट आफ इंडिया के पास केवल यही हथियार है। हम परसुएड करके भी इन्फरमेशन ले सकते हैं। अगर इतना ही कांट्रेक्ट करना है आगे नहीं करना है, वह यह समझते हैं तो बात अलग है। अगर सारी जांच हमारे ऊपर ही आ रही है, वह नहीं समझेंगे इसको तो इसका असर उन पर भी होता है। हमने कुछ भी नहीं किया तब भी हमें गालियां दी जा रही हैं और हम खाते जा रहे हैं। जिन को कांट्रेक्ट मिला है वह चुप बैठे हैं। ऐसा मत समझिये कि सारे हथियार हमने गवां दिये। हमने सोच-विचार कर सारी चीजें की हैं। हम बताना चाहते हैं कि सारी चीजें खुल्लमखुल्ला बोलना जरूरी नहीं है। उसके बड़े-बड़े असर हो सकते हैं। मैं आपको बताना चाहता हूं कि इसमें अच्छे ढंग से काम हो सके ऐसी हम आशा करते हैं।

SHRI PARVATHANENI UPENDRA: Madam, before I ask further clarifications from the Minister on this Bifors' latest letter. I would like to say one thing. (*Interruptions*). It is no even worth the paper on which it is written. The Bofors have again lived up to their worldwide notoriety. There is one point which is very glaring there. They say that the payment of winding up charges has nothing to do with the winning of the contract, whereas in the Swedish National Audit Bureau's Report it is clearly written that the cost of this assistance, namely, winding up costs, amounted to 2 to 3 per cent of the ordered sum, i.e., Swedish Kroners 170 to 250 million and that the final payment was made during 1986. Even in my speech, I pointed out that that amount was arrived at on the basis of the percentage of the total contract, 2 to 3 per cent. How can they then say that it was not related to the winning of the contract. That itself is a lie. I do not trust that letter. That is a contrived letter. The second thing is that....

SHRI PAWAN KUMAR BANSAL (Punjab): Madam, he cannot use that word 'contrived' so lightly.

SHRI PARVATHANENI UPENDRA: Why are you guilty conscious I said it is a contrived letter.

SHRI PAWAN KUMAR BANSAL: It is the irresponsibility with which he is levelling baseless allegations here. (*Interruptions*).

SHRI N. K. P. SALVE (Maharashtra): Madam, on a point of order, if the letter is a contrived letter, the Defence Minister is guilty of a very serious breach of privilege. He has committed contempt of the House if it is a contrived letter. And if the Defence Minister is not guilty of contriving a letter to mislead this House, then I will only submit that in this context the word 'contrived' is extremely unparliamentary and improper and is a word which means an accusation against the Minister which is not permitted by the rules and, therefore, it should be removed. (*Interruptions*) What is your ruling, Madam?

6.00 P.M.

SHRI PARVATHANENI UPENDRA: You can give your ruling later on. After hearing the Minister... (*Interruptions*).

THE DEPUTY CHAIRMAN: Please listen. Contrived letter means a letter which has been managed. The Minister can refute it. You can refute it. (*Interruptions*).

SHRI PARVATHANENI UPENDRA: I have given the opportunity to him to refute it. (*Interruptions*).

AN HON. MEMBER: Don't take it lightly.

SHRI PARVATHANENI UPENDRA: You are taking it lightly. You are taking the whole nation lightly after swindling so much money. After hearing the Minister, I find, as far as my party is concerned, there is a basic difference in the perception of the whole issue. While the Minister is proposing the Committee as any other ordinary Parliamentay Commitee, we have been pointing out, we have been demanding, from the beginning that this should be a special powers and investigating Committee of Parliament with special powers and we stand by that. The Minister has not been able to convince us.... (*Interruptions*) Even when the Minister propose this as an ordinary Parliamentary Committee, he has not justified why the Speaker had to be repeatedly mentioned in the Motion? If it is an ordinary Parliamentary Committee, and the rules are already provided why the speaker has to be consulted on such and such things? But in this motion, they thought it necessary to mention 'speaker' everywhere. Is it because they want special protection, overriding even the Chairman and the majority in the not trust Committee? This is my question. This means, they do not have trust, they do not have trust, they do not trust even their own Chairman and their own majority in the Committee. They want a super-check, a super-Chairman so that every time this matter will be reviewed. Therefore, this confirms our suspicion that the exercise is nothing but a whitewash and is not intended to find out the truth because whatever the Government has conceded has been nullified by adding a proviso at every place. I can give you an example.

THE DEPUTY CHAIRMAN: Mr. Upendra, you have to conclude now. You are making a speech.

SHRI PARVATHANENI UPENDRA: I am raising certain doubts. I am not making a speech. It has been said here that if the Committee wish to nominate a sub-committee to visit a foreign country for specified purposes connected with the enquiry the matter shall be referred to the Speaker....It has been provided here that the sub-committee shall not hold sittings, shall not record evidence, shall not take decisions. This means, they are binding the Committee in every respect. This is one point. In regard to the terms of reference, whereas the Audit Report confirmed more than one payment, they have taken only one aspect of the payment.

THE DEPUTY CHAIRMAN: Mr. Upendra, please sit down now.

SHRI PARVATHANENI UPENDRA: I am only raising some doubts. Madam.

THE DEPUTY CHAIRMAN: I have allowed you to seek clarifications only; not to make a speech. You are making a speech now.

SHRI PARVATHANENI UPENDRA: I am not making a speech. I am coming to the point. I

would like to know, when the Audit Report has specifically mentioned more than one payment, that is SEK 170-250 million, then SEK 32 million and other payments subsequently, why the Minister has taken only one payment out of the four. This is one point. The second thing is that, the charge is against the political personages that they have taken kickbacks. Therefore, the evidence of Ministers is necessary. The Minister of Defence and the Minister of State of Defence at the time when the decision was taken have to give their testimony before the Committee.

THE DEPUTY CHAIRMAN: Mr. Upendra, you have taken a lot of time. Please sit down.

SHRI PARVATHANENI UPENDRA: You have to give me some more time. I have not completed.

THE DEPUTY CHAIRMAN: You are only to seek clarifications, but you are making a speech here. Seeking clarifications has some limit.

SHRI PARVATHANENI UPENDRA: You cannot stop me. I am only seeking clarifications.

THE DEPUTY CHAIRMAN: If you go on speaking, I will have to ask 'not to go on record'. There has to be some limit. I have given you permission to seek clarifications but that does not mean that you should misuse that opportunity.

SHRI PARVATHANENI UPENDRA: Therefore, the Minister's evidence is necessary because the charge is against the political personages. The Minister is not clear on that point Then, Madam, he made a ridicule of an amendment which we submitted and that is an appeal...

SHRI PAWAN KUMAR BANSAL: Madam, I am on a point of order. (*Interruptions*)

SHRI PARVATHANENI UPENDRA: You have to sit the whole night if you shout like that.

SHRI SHIVRAJ PATIL: This is not correct to say that I have not clarified the things. The record will bear me out.

SHRI PARVATHANENI UPENDRA: I have not concluded. (*Interruptions*).

SHRI PAWAN KUMAR BANSAL: Madam, please permit me to speak. I am on a point of order. (*Interruptions*).

SHRI PARVATHANENI UPENDRA: Are you permitting me to complete?

SHRI PAWAN KUMAR BANSAL: Madam, with all humility I have to say that this is not a Bill before the House on which you have a third reading. This is a Motion moved by the hon. Minister and on that we do not have a third reading stage or a stage like this. Once the hon. Minister has completed his reply, you should not grant permission to members to speak again like this.

THE DEPUTY CHAIRMAN: The Minister had promised them that if they had to seek some clarifications, he would clarify them afterwards. That is why I am allowing him to seek clarifications only.

Yes, Mr. Upendra, you please finish. (*Interruptions*)

SHRI PARVATHANENI UPENDRA: They are shouting. I will wait.

My final doubt is, while referring to one of the amendments submitted by me and other Members, it has been said that an appeal from the Parliament of India both to the Swedish Government and a warning to the Bofors to reveal the facts has been made by the Defence Minister. If the Minister thinks an appeal by the Parliament has no value, how can he justify that the Parliamentary Cimmittee would be able to bring out the truth? (*Interruptions*)

SHRI K. C. PANT: I would like to reply to the hon. Member for one simple reason, Madam. We have had a long debate, a reasonably peaceful debate, reasonably quiet debate and I think, a reasonably polite debate, considering the subject. Now at the end of the long debate, my hon. friend, who was kind enough to pay me a compliment in the beginning by calling me a gentleman and he meant it, I know he meant it, ended by saying that I have produced a contrived letter.

SHRI PARVATHANENI UPENDRA: I did not accuse you.

SHRI K. C. PANT: Who else?

SHRI PARVATHANENI UPENDRA: It is a contrived letter, let me explain. I did not accuse the Minister. He is an honest man, I stand by my word. He is a gentleman and an honest man, I stand by my statement. It is a letter contrived by those fellows who received the kickback and they have managed this letter through the Bofors.

SHRI K. C. PANT: Madam, the points have been answered. The various points in the debate have been answered. I hold no brief for Bofors. That is why we have the Joint Parliamentary Committee. They have offered to cooperate. My friend should get into it and ask them as many questions as he likes. If they are guilty, then they take whatever action they can. We have nothing to hide at all. Please do not ask me to answer for them. The Government is not in the dock. Don't forget that Somebody else may be in the dock, but not the Government.

SOME HON. MEMBERS: No, the Government is in the dock.

SHRI K. C. PANT: When they say that the Government is in the dock, what they are saying is that allegation is equal to proof. This is what they are saying. And, Madam, it will be a very sad day for this country when our political norms decend to this level. After all, all of us are responsible people. Mr. Upendra has not been long in politics. But by his side is sitting Vajpayee Ji. He has been in politics for over 25 years in Parliament. I have been with him for 25 years. Mr. Gurupadaswamy has been in politics for the last 20 years. Mr. Virendra Verma has been in the State Legislature for much longer; he is the most senior of us all. Now, if you get up here and fling some mud in the hope that it will stick on somebody, you destroy a reputation built over 40 years public life.... (*Interruptions*) Yes, it is not a party matter; this is not just a party matter. We are all exposed to this in the different State Assemblies or the Parliament here. We are all exposed to this. We live in glass houses. By all means if we are guilty, punish us. But don't throw mud, because you are ultimately demanding all of us. Don't think that you can escape from this. If you throw mud at us and there is no proof, that mud sticks partly on you. None of you should forget this. So my appeal to you is that if we want to keep some democratic norms in this country, if you want to sustain roots of democracy, we must have mutual respect for each other, we must have some faith in each other, we must at least give each other one credit that for the larger good of the country, we will all act together. At least, let there be no doubt about that. But if that begins to be doubted, then that is the beginning of the end. We cannot work parliamentary democracy that way.

Madam, the majority must carry the minority with it. A majority which simply overrules the objection of the minority is not serving the cause of democracy. But a minority which doubts the motive of the majority all the time is also not serving the cause of democracy. Therefore I would appeal to my friends in all sincerity, not in a partisan spirit at all, that we must take this matter and other matters in this spirit. Then only can we not only get at the truth but cooperate at getting at it.

THE DEPUTY CHAIRMAN: Mr. Dipen Ghosh. And please be very brief.

SHRI DIPEN GHOSH: I have not yet started.

THE DEPUTY CHAIRMAN: That is why I am telling you in the beginning itself.

SHRI DIPEN GHOSH: Madam, I am thankful to the Minister that he had promised me, among others, that he would reply to certain clarifications after he finishes the speech. He has quoted many rules. First of all, let me put my clarifications, or rather let me enlighten myself about...

THE DEPUTY CHAIRMAN: No enlightenment. You have to seek clarifications only.

SHRI DIPEN GHOSH: But why this murmur? I understand your ruling, Madam, but not the murmur on the other

[Shri Dipen Ghosh]

side. What I could understand from the Minister when he was quoting the rules... Mr. Minister, please listen....was that there is everything in the rules under which this Committee was completely and fully empowered to get at the truth. But what makes me doubtful, because of which only I seek this clarification, is that if that be the case, then what made the Government mention this clause or sentence in the Motion on page 2 under para 7:

> "The Committee shall have the power to ask for and receive evidence, oral or documentary, from foreign nationals or agencies, provided that if any question arises whether the evidence of a person or the production of a document is relevant for the purposes of the Committee, the question shall be referred to the Speaker whose decision shall be final"

If the rule empowers the Committee to do this, then what made the mover of the motion to make that sub-clause to that clause? That is why my point is, whether the Minister is prepared since he is very sure that the rules are enough to remove that clause from this motion. this is one. According to that rule, the Committee will be all-powerful, as the Minister has stated in paragraph 8. I will quote that also:

> "If the Committee wish to nominate a sub-committee to visit a foreign country for specified purposes connected with the inquiry, the matter shall be referred to the Speaker, who may take such decisions and give such directions as he thinks fit :
>
> Provided that such sub-committee shall not hold sittings, record evidence or take decision in a foreign country."

If, under the rules quoted by the Minister, the Committee, which is being proposed to be set up, seems to be all-powerful, what leads the mover of the motion to incorporate this clause in this paragraph? So, is the Government prepared to remove this clause?

Another point, because that is very important: Mr. Pant, the Defence Minister, concluded by saying, 'I appeal to you.' I will try to respond to his appeal in a positive way. He quoted a letter.

THE DEPUTY CHAIRMAN: Are you joining the Committee?

SHRI DIPEN GHOSH: That I will tell you at the end. Madam, since you pose this question, let me answer you. Cooperation is not a one-way traffic. Cooperation must be a two-way traffic. We have put forth certain amendments, they have put forth a certain motion. Let us see to what extent they can accommodate ours and we can accommodate theirs. That is the point. For that, clarifications are also necessary.

SHRI N. K. P. SALVE: Have you an open mind?

SHRI DIPEN GHOSH: I am more open than you.

SHRI PARVATHANENI UPENDRA: We open our hearts also;

SHRI DIPEN GHOSH: Our Minister of Defence has quoted a letter. I am not going to say what letter it is. I do not know on which date that letter has been written by Bofors and on which date he received that letter. Why I am telling you this is because I have a document which I received this morning: I am not going to say what it is... (*Interruptions*)... Then I can quote it. These documents I have received from the Prime Minister's Office in reply to my notice of a privilege motion. That is why I was not going to quote.

THE DEPUTY CHAIRMAN: Listen. Probably that may be a reply.....

SHRI DIPEN GHOSH: No, it isn't. There I have been informed of a fact while Mr. Shivraj Patil was replying. Mr. Bredin came on the 3rd. His reply was not enough. So he said that a high level team will be visiting on the 6th.

[Shri Dipen Ghosh]

He was told it was not necessary for the team to visit because, as Mr. Shivraj Patil has stated just now, the Government had thought that a visit of the team was not necessary in view of the fact that in the meantime a decision has been taken to constitute a Parliamentary Committee and that Parliamentary Committee can take note of all these things. This was stated on the 6th. The decision was taken, surely, either on the 4th or the 5th. But the fact which has been communicated to me is that on the 16th of July the Government of India has written a letter to Bofors stating that whatever information Bofors had since given was not adequate and so the Government of India has requested Bofors to give all adequate information, so on and so forth. So, I want to know whether the letter which Mr. Pant has quoted is in reply to that letter of the Government of India written to Bofors on the 16th of July and, if so, whether the Government is satisfied with that reply in the context of what the Government of India has written to Bofors on the 16th.

THE DEPUTY CHAIRMAN: Last question. Mr. Mishra.

श्री चतुरानन मिश्र : आप बार-बार उठियेगा और बैठियेगा, काहे को तकलीफ करते हैं । आप लोग क्लास-रूम में हैं कि बार-बार उठते है और बैठते हैं । एक बार सुन लीजियेगा और फिर जवाब दे दीजिये ।

उपसभापति जी, हम लोग तीन रोज से इतनी बहस कर रहे हैं, तो कुछ निष्कर्ष भी निकलना चाहिये । इस लिहाज से मैं कुछ क्लैरिफिकेशन सीक कर रहा हूं । पहली बात है, जिसकी चर्चा अभी श्री दीपेन बाबू ने भी की कि तीन बार स्पीकर से परमिशन की बात मोशन में आई । जब उसे सभी जानते है और शिवराज पाटिल जी ने भी सही ही कोट किया है कि जितनी भी कमेटी बनेगी, वह सभी स्पीकर के ओवरआल कन्ट्रोल में रहेगी ।

तो यह तीन बार जो उसका रेफरेंस दिया है वह रिडेंडेंट है, यानि कि अपोजिशन को चिढ़ाने के लिये है । तो इसलिये उसको थोड़ा अमेंड कर लीजिये । अब माननीय मंत्री जी ने पूछा था कि ऐसी अमेंडमेंट करने से क्या विरोध करने से क्या विरोध पक्ष शामिल होगा, तो हम इस स्टेज में इतना ही कह सकते हैं कि इट विल फैसिलीटेट इट । तो एक यह क्लैरिफिकेशन करना है ।

दूसरी बात है बोफोर्स कन्ट्रेक्ट कंसीलेशन के बारे में । आर्डिनेरिली यह सवाल नहीं भी उठ सकता था, लेकिन सरकार की तरफ से एडवांस बुकिंग कर दिया था कि आपका कैंसिलेसन नहीं होगा । अगर यह एडवांस बुकिंग नहीं हो जाता, तो हम भी आपसे नहीं मांग करते ।

एक बात मैं और कहना चाहता हूं माननीय मंत्री जी ने कहा कि नौ साल से इस पर नेगोशिएशन होता रहा । तो अगर नौ वर्ष हम लोग बिना बोफोर्स इस देश की एकता को सुरक्षित रखे हैं, तो 90 डेज रख लीजिये । फिर सारा काम ठीक हो जायेगा ।

only for 90 days I am seeking your permission. For nine years you have done without our permission. So we can come to an understanding.

आपको भी विश्वास हो और हमको भी विश्वास हो ।

सिर्फ इसीलिये हमने आपसे कहा कि कोई निष्कर्ष भी निकालना चाहिये, इसके लिये । रह गई बात कि मिनिस्टर को (समय की घंटी)—थर्ड क्वश्चन है, हम ज्यादा नहीं कहना चाहते, वह यह है कि मिनिस्टर को कमेटी में बुलाया जाये या नहीं । मैं माननीय मंत्री, पाटिल जी से सहमत हूं कि आर्डिनेरिली यह नहीं होना चाहिये कि मेम्बर्ज को या मिनिस्टर को किसी कमेटी में बुलाया जाये, जिस तरह से हम आफिसर्ज को बुलाते है । लेकिन एक्स-ट्रार्डिनरी सिचुएशन में कोई लैंग्यूएज ठीक करके उसका भी कोई प्रोसिजर

निकाल लीजिये, ताकि यह बात हो जाये ।

लास्ट प्वाइंड, और यह हमारा क्लैरिफिकेशन नहीं है । बार-बार हमारे नेता, नेता माने सब से बड़ी पार्टी के नेता हैं, श्री उपेन्द्र जी, जब वह उठते हैं, तो उधर से.... (व्यवधान) ।

एक माननीय सदस्य : वह आपके नेता हैं ।

श्री चतुरानन मिश्र : हमारे तो नहीं है ।....(व्यवधान) । लेकिन हमको यहां बुरा लग रहा है कि इतनी बड़ी पार्टी के नेता जब उठते हैं, तो बार-बार आप लोग इतने में... (व्यवधान) । जरा सुन भी तो लीजिये । यही तो एक-दो आप लोगों के साथ दिक्कत है । अभी तो कह रहे थे कि नेता कि मजारिटी को, माइनारटी की बात सुननी चाहिये और माइनारटी को भी, यह तुरन्त आपके नेता पढ़ गये । आप एक तरफ तो गीता पढ़ते है और दूसरी तरफ उलट देते है । तो इस पर शक होता है ।

तो हम यह कहना चाहते है कि अभी जब प्रधान मंत्री अमरीका गये थे, तो उनके साथ भी यह गये हुए थे । अब कौन ऐसी बात होती है कि तुरत-फुरत आप लोग यहां उठते हैं और हल्ला करने लगते हैं ।... (व्यवधान) । जरा सुन तो लीजिये, जो पुराने दोस्त हैं, उनकी कुछ कद्र तो कीजिये ।

SARDAR JAGJIT SINGH AURORA: Madam, I had been quoted by the hon. Minister so often. So, I should be given a chance to ask questions. In his closing address he quoted me both about the Bofors weapon and also the statement that I had made. And if you want to deny me to ask questions, I think it would not be fair.

Now, there are two things. Whereas the hon. Minister had answered about the gun which I said was all right, I had also made a mention about the ammunition. I thought he might as well cover the point I had made about the ammunition. I would like to know whether he made inquiries and if he has to say anything about it. That is one point.

The second point is about the letter. I do not want people to take objection about it, but it is a letter in which Bofors have given their final reply as to the money that they had given to some people who were not concerned directly with this contract. What is more important is what this Parliamentary Committee is going to find? If we go there, the question is, will they cooperate? Are we really going to get anything out of this parliamentary Committee at all after what the Bofors has said, because they are the only people who would finally have to tell us one way or the other? I was wondering if we had got this answer earlier, whether we need have gone through all this headache.

SHRI K. C. PANT: Madam, the first question by my friend is with regard to why the Government brought forward a motion in which the Speaker is mentioned at three places, as far as I remember I would like to inform the House, because it concerns the other House, in this case it is inevitable that I mention it otherwise the picture will not be clear.

In the first motion that the Government brought forward there was no mention of the Speaker. It only said that the normal rules of business would apply. The normal rules of business provide, as my colleague has explained in detail, for such modifications to be made by the Speaker as the situation demands. That would cover everything that my hon. friends have been saying. So, the Speaker comes in in any case. Secondly, we were not keen to bring in the Speaker. It is in order to accommodate the sentiments and the views of my hon. friends opposite that the Government stretched itself and then tried to include specific provisions. For instance, quorum is normally one-third under the rules. Somehow they had a fancy for providing it in the Motion.

[Shri K. C. Pant]

We agreed. We said all right. If you insist, we will have it. What difference will it make, I do not understand, but anyway they insisted on it.

In a similar way they said that we have to have people coming from abroad to give evidence. Again my colleague has explained in detail why there needs to be a certain amount of caution in seeing who comes from abroad and who gives evidence etc. It is not as if they are unaware of the kind of machinations that go on round the world today. We must guard this country against those kinds of machinations. It is not their fault. I am not blaming them. But coming from abroad, all kinds of people can come in. Certainly, it is not an innocent matter. There are after all competitors. There were, I think, as far as I remember from memory, twelve guns which were looked at first, reduced to six, reduced to four, reduced to two. So, a number of people who wanted to sell us guns could not do so. One out of them came. So, there are eleven frustrated competitors. Is it surprising that they will send people? And when they send people are they going to be very objective and fair-minded about it? I think the Committee would like to take this into account. So, certain amount of screening there, would not be a wrong thing or a bad precedent to set, because we are setting a precedent. This is a new Committee. This is the first Committee of this kind. This is a departure from previous committees. It is an investigative committee. Therefore, this kind of precaution is necessary if you want rules to apply. The Speaker does not become necessary because in any case the rules will operate in that manner. Similarly, when you want to go outside, as my colleague explained, you have to get the consent of the speaker even according to the rules, even in Delhi itself, if you want to go outside the Parliament House. Where is the objection to the Speaker? Similarly for Minister, we explained at great length what were the difficulties. Our colleague knows more about laws than certainly I do. I know nothing about it. Well, he told you the restrictions, even if a Minister offer to go to the Committee. Are these to be brushed aside lightly? Are our motives to be questioned because we try to sustain institutions? Institutions will keep this country alive and democracy alive. If for a momentary benefit we destroy these institutions, nothing will remain, I tell you. Therefore, basically we have to look at these questions on the wider point of view.

Now the other question is that in trying to accommodate our friends we bring in the Speaker. Then they accuse us here, why do you bring in the Speaker? Would you like to drop the speaker and go back to the rules? We can consider that if there is no insistence on the Speaker but there is an insistence on the rules. This is the crux of the whole matter.

Madam, I think in all honesty my friend, Mr. Chaturanan Mishraji and my friend here both of them will agree that the Government did try and made a very serious effort to go to the farthest limit to accommodate all these points of view. I would have expected somebody from the Opposition to get up and say, well we know you have made a sincere effort, we could agree there are differences. I could appreciate that but not a word from any one of you has come. That is not the spirit. I give you still this benefit of doubt that when you consider this whole thing coolly you should still come into the Committee. I give you that benefit of doubt. Because I believe that you will not be interested in questioning the Government's motives in setting up this Committee.

Mr. Jaswant Singh has said that the executive can do it. Why is it giving it to Parliament? Apart from the debating point you have asked for, I ask you: Does any executive hand over powers to Parliament? Normally there is resistance on the part of the executive and here is the executive which institutes a Committee against itself and invites you to come in and you say: why are you giving this power to Parliament? I have never heard such a logic. This is amazing. Normally any Opposition would be keen to extend the powers of Parliament and not the executive. For those in the Opposition, the Government may be motivated the

other way, but for the Opposition to refuse to take the power given to it and say "no the executive can exercise those powers", this is the first example of its kind that I have heard.

Madam, now about the dates, as far as I can see, it is 16th July letter to which the reply has come. There was an interim reply on 24th July and that reply merely said, "we want more time". He has said that whether I am satisfied with the reply. Certainly not, they have not given the information the portion which was taken out in the report of the Audit Bureau. Therefore, there is no question of our being satisfied with this. But that they have offered to cooperate with the Parliamentary Committee, I consider it to be a good sign I think I would appeal to the General also to see whether a fair trial should not be given to the Committee, should he make up his mind at this stage? I think a fair trial should be given to it and if you find it is not working perhaps you can then consider. If you find anything is happening in the Committee which will force you to say that this Committee is not functioning properly or the Government is coming in the way or the Government is not helping even that I can understand. But *ab Initio* to say we will not get into the Committee, to my mind, as I said, is to run away from a esponsibility which you took upon yourself and you have made that suggestion.

Then this Bredin's matter, at least now this controversy must end. We have got this letter at your instance. I have read it out to you. We have seen emphasis on confidentiality once again and, therefore, you have asked me whether I am satisfied with the letter. But at least now this matter should end once for all. Bofors did not indicate and did not intend to give us the information which you think they did; otherwise nothing would have stopped them. There are telephones. There are Post Offices. There are Telegraph Offices and nothing to prevent that. Today they can send 20 people and give us the information. But I think that you should insist that if they give us the information, we must get it in a form in which we can pass it on to Parliament. It was not for our private consumption. If somebody tries to give me information which I cannot pass on to Parliament in a matter of national interest, then, I would say, I do not want that information. This is very clear. I do not want to put myself in that position. And if you were in my position, I am sure, you would have taken exactly the same stand. So, where is the difference between us? Now, this letter proves that they do not want to pass on that information.

Now, Shri Chaturanan Mishra asked about the cancellation of the contract. I would say only one thing to him. He is a public worker with great pride in this country. Does a large country, a powerful country threaten and then not go through with the threat? If we were to threaten, we would have to go through with the theat. (*Interruptions.*)

SHRI CHATURANAN MISHRA: I said that you do not have advance booking. Because you have advance booking that you will not cancel, therefore, we are raising this issue.

SHRI K. C. PANT: The point that I am making is that whenever a country like India speaks, then we must speak with the intention of carrying out whatever we say. In other words, I am not convinced that merely holding out a threat with the intention of getting information and later on, not following it if they do not give the information, is dignified for this country. It is not. So, if we, in our collective wisdom, come to a decision that regardless of all the factors which my colleague outlined, you should go ahead, well, it is upto you. We have a view on the matter which has been placed before you. I am sure, as people for whom the national concern is as important as it is to us, you will look at the problem in this manner and when you look at it carefully, you will come to a certain conclusion. I do not want to say anything that happened at the private meeting with the Prime Minister but there when it was explained as to what were the implications, one of the senior Members in the Opposition said, yes, I can understand that responsible Government will not can-

[Shri K. C. Pant]

cel this contract. Now, I will not name him because I have no intention of embarrassing him. But the point I am making is that we have to take a national view of these things and we are all interested in this and to take a partisan view of these things.... (*Interruptions*)

SHRI NIRMAL CHATTERJEE: To appoint a Committee to make recommendation that if required, the order be cancelled...

THE DEPUTY CHAIRMAN: Mr. Minister, you please complete now.

SHRI K. C. PANT: I do not arrogate to myself the powers to dictate to that Committee. That Committee is free to make any recommendations it likes. Who am I to stop it? The trouble is that this suspicion has gone deep into your souls. You do not accept what I am telling you that we have nothing to hide. We are going to help your Committee. We have set up the Committee. No Government sets up a Committe against itself. We are inviting you to join it because we do not think it is against us in any case. We have nothing to hide. Why don't you accept this? Let us get at the truth. So, therefore, this is he basic point . . . . (*Interruptions*) and General Aurora asked about the ammunition. Madam, yesterday I had informed General Aurora about the position of this ammunition but I did tell him that I would like to see the exact words because I do not want to tell him anything which is not correct even in the least sense. Now, we would like to stress the fact that Bofors have not bought and do not intend to buy any ammunition or ammunition components from M|s. Simmel or any other Italian suppliers. This is the letter.

THE DEPUTY CHAIRMAN: I shall first put the amendments to vote. Mr. Dipen Ghosh, are you withdrawing?

SHRI DIPEN GHOSH: No, I put the amendment. But before I press the amendment... (*Interruptions*).

THE DEPUTY CHAIRMAN: No, no.

SHRI DIPEN GHOSH: How they can say, no? I want to read one particular amendment.

THE DEPUTY CHAIRMAN: Listen to me. You see, we had a sufficiently peaceful discussion on this resolution and therefore, those who had moved the amendments and those who had the occasion to speak on the whole resolution, they need not speak again. Listen. Those who had no chance of taking part in the discussion will be allowed. There are two people. One is Mr. Lakshmanna and the other is Mr. Vajpayee. They can speak for some time and we cannot reopen the whole discussion now.

SHRI DIPEN GHOSH: We are not going to open the whole discussion.

THE DEPUTY CHAIRMAN: Are you withdrawing the amendment?

SHRI DIPEN GHOSH: I am not going to withdraw.

THE DEPUTY CHAIRMAN: I am putting Amendment No. 1 to vote.*

The motion was negatived.

THE DEPUTY CHAIRMAN: Then Amendment Nos. 2, 3 and 4. Mr. Upendra, are you withdrawing?

SHRI PARVATHANENI UPENDRA: No, No.

THE DEPUTY CHAIRMAN: I am putting Amendment Nos. 2, 3 and 4 to vote.*

The motion was negatived.

THE DEPUTY CHAIRMAN: Now, Amendment Nos. 5 and 13. Shri Lakshmanna.

PROF. C. LAKSHMANNA: Madam Deputy Chairman, I will be speaking only on the amendments and to the extent they are made intelligible. (*Interruptions*)

THE DEPUTY CHAIRMAN: I have given you three minutes. (*Interruptions.*)

PROF. C. LAKSHMANNA: The Government may come to wisdom and accept

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*For text of amendment, *Vide* Debate dated the 10th August, 1987.

the importance of these amendments so that the last opportunity which is available for the Government to really arrive at the truth may be utilised. The fundamental fact is that we have to arrive at the truth. If we have to arrive at the truth, there should be no fetters attached to the Committee that will work because even within the motion that is moved and after all the explanations given by both the Ministers, there is a contradiction. The contradiction is this. They accept that this a special Committee. (*Interruptions*).

AN HON. MEMBER The time is over.

PROF. C. LAKSHMANNA: I will speak as long as to make you understand the significance of what I am saying. (*Interruptions*) If you look at the motion, after all the explanations given by both the Ministers, yet they have introduced the element of contradiction in 7 and 8 which recognise the fact that the rules that are applicable so far to the committees shall not be in force. If that was the case, there is no need for introduction as the Minister himself has stated. But if you come to the next one that in other respects, the rules or procedures of the House relating to Parliamentary Committee shall apply with such modification and so forth, what does it mean? It means that they do not recognize that this is a special committee which is trying to arrive at the truth. Therefore, there is a contradiction in what has been proposed as a motion by the Minister himself. Having stated this, I come to one point, which has been contradicted by three people's statements. That relates to Amendment No. 1 by the Defence Minister in the other House which has been repeated in this House and by the Minister of State for Defence and by the respected Shri Baharul Islam. The stand taken by both Shri Baharul Islam and Shri Shivraj Patil is that the Ministers cannot be called. There is a restriction and the Ministers can never be called. But, on the other hand, I do not want to quote, Shri Pant has made it clear that Ministers can be called. But if there is a restriction on the Ministers to be called, in that event we have that amendment that this has to be specific. Unless you make it specific, you will not be understanding it.

Then coming to the other one, the Swedish Government with whom we have friendly relations can be asked to supply such information which is needed for the committee to function and if we do not have that and if it is refused and if it is left only to the committee and in the committee a question arises and if it goes to the Speaker and if the Speaker thinks otherwise, there will be a possibility of not arriving at the truth. Therefore, I have moved that there should be a reference to this particular thing.

And then coming to the final most important amendment, if this committee is to arrive at the truth, it should have power to decide for itself, if it is not able to decide what evidence it should take, who the persons are to be invited and so on and so forth, and if it is to be left to somebody else, then the functioning of the committee will be restricted and will be defeated.

The only point then is about the so-called foreign nationals. The rule which was stretched by the Minister is understandable. But suppose you want to call such and such persons ... (*Interruptions*) He says he would not like them to come to India and if the committee cannot go there, if the committee cannot hold its sittings there and if a decision cannot be taken, what is going to happen then? How is it going to facilitate the functioning of the committee? Therefore, I think there is need for accepting this amendment and this is the last opportunity for the Government if they are really interested in the cooperation of the Opposition; when the Opposition wants to arrive at the truth and the Opposition wants to participate and cooperate, then the Government must accept the amendments moved by the Opposition and if you shut out the amendment, I charge and I warn the Government that you and you alone will be responsible for tightening the screws and ultimately not allowing the functioning of democracy.

THE DEPUTY CHAIRMAN: Are you withdrawing the amendments or not?

PROF. C. LAKSHMANNA: No, I am pressing my amendments.

THE DEPUTY CHAIRMAN: Then I am putting Amendment Nos. 5 and 13 to vote.*

The motion was negatived.

THE DEPUTY CHAIRMAN: We now take up Amendment Nos. 6 and 7.

Please speak only on your amendments.

श्री अटल बिहारी बाजपेयी : महोदय, प्रतिपक्ष की ओर से अनेक संशोधन प्रस्तुत किये गये, सरकार ने उनमें से एक भी संशोधन को स्वीकार नहीं किया है। इतना ही नहीं कल सुझाव दिया गया था कि प्रतिपक्ष के संशोधनों पर सरकार परामर्श कर सकती थी। जैसा रक्षा मंत्री महोदय ने कहा ...(**व्यवधान**)।

उपसभापति : आप एमेन्डमेंट पर बोलिये।

श्री अटल बिहारी बाजपेयी : एमेन्डमेंट पर तो मैं आऊंगा। अगर सरकार ने अपना दिमाग बंद कर लिया है तो बोलने का फायदा क्या है? मैं रस्म-अदायगी के लिए नहीं बोलना चाहता। यह कोई कर्मकाण्ड नहीं है। रक्षा मंत्री ने कुछ चुभती हुई बातें कही थीं। आज जब चर्चा खत्म हो रही है तो मैं उनका उत्तर देना चाहूंगा। लेकिन कठिनाई यह है कि मुझे 25 साल से ज्यादा सदन में हो गये हैं, कभी बोलने से नहीं रोका गया है। मैं अनर्गल प्रलाप नहीं करता।

उपसभापति : आपको रोका नहीं है, आपको टाइम दिया है, लेकिन बात यह है कि जो एमेन्डमेंट आपने मूव किया है उस पर आपको बोलना है।

श्री अटल बिहारी बाजपेयी : जी हां, मैं एमेन्डमेंट पर ही बोल रहा हूं। एमेन्डमेंट जुड़ा हुआ है उनके प्रस्ताव से, प्रस्ताव जुड़ा हुआ है परिस्थिति से और परिस्थिति जुड़ी हुई है हमारी मनःस्थिति से।

श्री के० सी० पंत : जड़ की बात यही है। जब तक आपकी मनःस्थिति ठीक नहीं होगी कुछ नहीं होने वाला है।

श्री अटल बिहारी बाजपेयी : महोदय, पन्त जी ने ठीक कहा कि एक विश्वास का संकट पैदा हो गया है। अविश्वास हमारे मन में यह है कि जो काम सरकार नहीं कर सकी और सरकार कहती है कि उसने प्रयत्न किया मगर वह सफल नहीं हुई, तो क्या वह काम समिति कर सकेगी। तो यह प्रश्न हमारे मन में है और इसीलिये यह बात कही जाती है कि समिति बनाने से काम नहीं होगा। सरकार नाम निकालकर लाये जिन्होंने कमीशन खाया है। दूसरा संकट हमारे मन में जो है वह भी विश्वास का संकट है। पन्त जी ने ठीक कहा कि उसको छुपाने से कोई फायदा नहीं है। अनेक समितियों में मुझे भाग लेने का मौका मिला। हम जब किसी समिति में जाते हैं तो हम भूल जाते हैं कि हमारा किस दल से संबंध है और सब मिलकर काम करते हैं। मगर यह एक ऐसा सवाल है जिसने सारे देश को बांट दिया है, सदन को बांट दिया है। इस सवाल ने कांग्रेस पार्टी को भी बांट दिया है। इसीलिये हमने देखा कि एक सरकारी पार्टी के मेम्बर जो कि बोलना चाहते थे उनको बोलने नहीं दिया?

श्री के० सी० पंत : अगर मुझे इजाजत दें तो क्या मैं एक प्रश्न पूछ सकता हूं। क्या यह सही है कि इसने कुछ विरोधी दलों को बांट दिया है।

श्री अटल बिहारी बाजपेयी : विरोधी दलों को बांटने की कोशिश की थी, मगर सफल नहीं हुए। हमारा दिमाग बंटा हुआ है, हमारा दिल बंटा हुआ है और इसीलिये मन में यह संदेह पैदा होता है। स्पीकर के बारे में जो बार-बार बात कही जा रही है, महोदया, मुझे यह अच्छा नहीं लगता। आप पीठ पर बैठी हैं, स्पीकर का एक स्थान है। स्पीकर के ऊपर अगर

*For text of amendment, *vide* the debate dated 10th August, 1987.

मामला छोड़ा जाता है तो सदन के किसी भी पक्ष को उस पर आपत्ति नहीं होनी चाहिए। मगर आपत्ति हो रही है। इसलिये नहीं कि हम केवल राजनीति करना चाहते हैं। इसलिये कि संदेह के बीज बो दिये गये हैं, परिस्थितियां संदेह में भरी हुई हैं और ऐसी परिस्थिति में हम मांग कर रहे हैं कि ऐसी समिति बनाइये जो कि सचमुच में योगदान कर सके, सच्चाई का पता लगा सके। मगर जैसा मैंने कहा कि संशोधनों के बारे में सरकार ने अपना दिमाग बना लिया है और एक भी संशोधन वह स्वीकार करने के लिये तैयार नहीं है। इन संशोधनों को उन्होंने चर्चा भी नहीं की। शायद सरकार का रवैया है कि समिति में आते हो तो आओ और नहीं आते हो तो जाओ। यह रवैया ठीक नहीं है। अभी भी रक्षा मंत्री बतायें कि वे किस संशोधन को स्वीकार करने के लिए तैयार हैं। मगर सरकार का रवैया यह है कि प्रतिपक्ष की किसी बात को न मानना तो फिर हमारे सामने इसके सिवाय कोई चारा नहीं है कि हम समिति से बाहर रहें।

श्री के० सी० पंत: महोदय, मैं दो बातें कहना चाहता हूं। पहली तो यह है कि जब प्रतिपक्ष ने अपने सुझाव प्रधान मंत्री को भेजे, लिखे, तो उसका आधार वह मीटिंग थी, जो कि प्रधान मंत्री ने बुलाई थी। उस दिन, जिस दिन आडिट ब्यूरो की रिपोर्ट हमको मिली, उस दिन वह मीटिंग बुलाई थी उस दिन से यह बात शुरू हुई कि पार्लियामेंटरी कमेटी बनानी चाहिये। उस वक्त पहल सरकार ने की, क्योंकि सरकार के पास सूचना थी, आप कैसे करते, यह मैं समझ सकता हूं। उस पर सरकार ने आपके सुझाव भी मांगे। सुझाव अलग-अलग दिये गये, तो हमने उस वक्त कहा कि आप मिलकर सुझाव दे दीजिये, हम उन पर विचार करेंगे। सुझाव आये। हमने अपना मोशन रखा। जब बहस शुरू हुई, उस सदन में और माननीय सदस्यों ने शिकायत की कि हमने आपको सुझाव दिये थे, लेकिन आपने उनको पास नहीं किया और हमसे बिना बात किये अपना मोशन दे दिया। आपको हम से कम से कम बात तो करनी चाहिये थी। इस चीज पर, इसके आधार पर, उनको संतुष्ट करने के लिये, उनकी बात को ठीक समझ कर, हमने, यानी सरकार ने फिर कोशिश की कि उन्हें बुलाकर बात करें। कोई हमारा दिमाग बन्द नहीं था, हमने बात की और हमने बहुत ईमानदारी से कोशिश की कि जहां तक हो सके, सरकार बढ़े और जितने सुझाव आये हैं, उनको जहां तक हो सके, माने। इस नीयत से बात की और अगर आप हमारा पहला मोशन देखें और जो आखिरी मोशन पास हुआ है, उसको देखें, दोनों में कितना अन्तर है। इसको देखें वह सारे सुझाव वही हैं, जोकि आपने हमको दिये और हमने मांगे माने भी हैं। अब रही बात उतनी दूर तक नहीं जा पाये आपने फैसला किया वहां वाक-आउट कर गये। वाक आउट करना एक आदत हो गई है। पता नहीं आजकल वाक-आउट के आगे क्या है। वाकई आप दूर रहेंगे या नहीं रहेंगे, यह कहना मुश्किल होता है, लेकिन मुझे उम्मीद थी, उसके बाद यहां आने के पहले क्योंकि सरकार ने पहल वहां की है, अगर प्रतिपक्ष आपस में समझौता करता, तो शायद यहां आप पहल करते। हम तो तैयार थे ही, नहीं तो हम उतनी बात करते ही क्यों? इसलिये मैं मानता हूं कि आज भी सरकार पहल कर सकती थी, लेकिन अटल जी मानेंगे इस बात को, मानेंगे कि आप भी पहल कर सकते थे। अगर ईमानदारी की बात है, तो आप भी पहल कर सकते है। आप भी पता लगा सकते हैं कि सरकार क्या मानेगी या नहीं मानेगी। हम इतनी दूर तक गये, आप तो एक कदम भी नहीं चले। इसलिये इस मामले में हमको आप दोषी नहीं ठहरा सकते हैं, बहुत अदब से मैं कहना चाहता हूं। दूसरी बात आपने कही कि आजकल के वातावरण में पार्टियों के बीच में एक दूसरे पर भरोसा नहीं रहा। इस वातावरण में आप एक संसदीय समिति का गठन कर रहे हैं और उस संसदीय

[श्री के० सी० पन्त]

समिति में ऐसे प्रश्न उठेंगे, जो कि पार्टियों के आधार पर वोट देंगे, उस समिति को, यह आपके कहने का आशय था। मैं बहुत ही अदब के साथ पूछना चाहता हूं कि अगर वह समिति इस तरह से बंटी तो हमेशा कोई बीच-बचाव करने वाला चाहिये कि नहीं और स्पीकर के होने से वहां बीच-बचाव हो सकता है या नहीं? अगर हम व्यावहारिक रूप से देखें, तो क्या आपको कांग्रेस का बहुमत, जिसमें हो, कांग्रेस का अध्यक्ष हो, उस पर ज्यादा भरोसा है या स्पीकर पर, जो एक इंस्टीट्यूशन है, जिसका आप खुद आदर करते है, उस पर भरोसा है। स्पीकर तो एक इंस्टीटयूशन है, हर पार्लियामेंट का और इसलिये स्पीकर की गरिमा स्पीकर की निष्पक्षता स्पीकर की देखनी भी पड़ती है। हमारे साथ हों, तो भी देखनी पड़ती है, आपके साथ जब थे, तब भी देखनी पड़ती है। इसलिये क्या विरोधियों के लिये यह बचत की बात नहीं है कि स्पीकर बीच में पड़ें? मैं आपसे बहुत गम्भीरता से कहूंगा, आप इस प्रश्न पर सोचें और इसको पक्षीय ढंग से न सोच कर निष्पक्ष ढंग से सोचें, तो शायद आप इसको पसन्द करेंगे कि स्पीकर को बीच में लाया जाये।

THE DEPUTY CHAIRMAN: I think Mr. Vajpayee is in a mood to withdraw his amendments.

SHRI ATAL BIHARI VAJPAYEE: I am pressing my amendments.

THE DEPUTY CHAIRMAN: Now I put amendments Nos. 6 and 7 to vote.*

The motions were negatived.

THE DEPUTY CHAIRMAN: Now we take up Amendments Nos. 8 to 11 and Shri Jaswant Singh is not present.

Now, I put Amendments Nos. 8—11 and 15 to vote.*

The motions were negatived.

*For text of amendment, *vide* Debate dated the 10th August, 1987.

THE DEPUTY CHAIRMAN: Now I take up Amendment No. 12 by Shri Satya Pal Malik. He is absent. Now, I put Amendment No. 12* to vote.

The motion was negatived.

THE DEPUTY CHAIRMAN: Now, I shall put the Motion to vote.

SHRI B. SATYANARAYANAN REDDY: There is Amendment No. 13 also.

THE DEPUTY CHAIRMAN: It has already been rejected. Amendments Nos. 5 and 13 were taken together.

SHRI DIPEN GHOSH: Madam, before the question is put to vote, I would appeal to Mr. Pant and ask him whether they are prepared to reconsider our amendments. (*Interruptions*) They do not want to cooperate with the Opposition. So, we cannot be a party to that and we walk out.

(*At this stage, some hon. Members left the Chamber*)

7 P.M.

THE DEPUTY CHAIRMAN: The question is:

"That this House concurs in the recommendation of the Lok Sabha that a Joint Committee of the Houses consisting of 30 members, 20 from Lok Sabha and 10 members of the Rajya Sabha be constituted to enquire into the issues arising from the Report of the Swedish National Audit Bureau relating to the Bofors' contract to supply 155 mm Howitzer guns to India, made in the motion adopted by the Lok Sabha on the 6th August, 1987 and communicated to this House on the 7th August, 1987 and resolves that this House do join in the said Committee and proceed to elect, in accordance with the system of proportional representation by means of the single transferable vote, 10 members from among

the members of this House to serve on the said Committee."

The motion was adopted.

THE DEPUTY CHAIRMAN: Now the Paper to be laid on the Table by Shri Gadhvi.

PAPERS LAID ON THE TABLE

Notifications of the Ministry of Finance (Department of Revenue) and related papers

THE MINISTER OF STATE IN THE DEPARTMENT OF EXPENDITURE IN THE MINISTRY OF FINANCE (SHRI B. K. GADHI): Madam, I beg to lay on the Table, under section 159 of the Customs Act, 1962, a copy each (in English and Hindi) of the following Notifications of the Ministry of Finance (Department of Revenue) together with an Explanatory Memorandum thereon:—

(i) No. 292|-87-Customs, dated the 12th August, 1987, seeking to grant partial exemption on iron or non-alloy steel hot rolled coils of carbon content less than 0.6 per cent and to equate the rate of basic customs duty on HR coils and coils for re-rolling at the rate of 15 per cent *ad valorem* plus Rs. 1100|- per metric tonne.

(i) No. 293|87-Customs, dated the 12th August, 1987, deleting the entry for coils for re-rolling from Notification No. 86|86-Customs, dated the 17th February, 1986. [Placed in Library. See No. LT—4600/87 for (i) and (ii)]

THE DEPUTY CHAIRMAN : Now the House stands adjourned till 11 A.M. tomorrow.

The House then adjourned at three minutes past seven of the clock till eleven of the clock on Thursday, the 13th August, 1987.

MGIPMRND—L-901 R.S.—10-12-87